

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8431 OF 2019

ORDER:

1 The petitioner assails the Memo dated 06.7.2007 of the Tahsildar, Shamshabad Mandal, Ranga Reddy District, whereby he rejected the request of the petitioner to effect mutation in his favour on the strength of his on-line application in Form VI (A). This mutation was sought in relation to the land admeasuring Ac.1-20 guntas in Sy.No.103/49/A of Shamshabad Mandal, Ranga Reddy District.

2 Perusal of the impugned Memo demonstrates that the Tahsildar, Shamshabad Mandal, did not even afford an opportunity of hearing to the petitioner before rejecting his request for mutation. Reference in this regard may be made to Section 5(1) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for brevity 'the Act of 1971'). This Section reads to the effect that upon receipt of an intimation of the fact of acquisition of any right under Section 4, the Tahsildar shall determine as to whether, and if so in what manner, the record of rights may be amended. The proviso to Section 5(1) however states that no order refusing to make an amendment in accordance with the intimation should be passed unless the person making such an intimation has been given an opportunity of making his representation in that behalf.

3 Sri A.Prabhakar Rao, learned counsel for the petitioner, would assert that the procedure prescribed under the aforestated proviso was not followed by the Tahsildar. The Memo dated 06.7.2007 supports his stand. Despite the fact that the learned Assistant Government Pleader for

Revenue took notice in this matter as long back as on 22.4.2019, no counter affidavit has been filed.

4 In that view of the matter, as the impugned Memo dated 06.7.2019 was issued in violation of the procedure prescribed under the proviso to Section 5(1) of the Act of 1971, the Writ Petition is allowed setting aside the said Memo. The matter is remanded to the file of the Tahsildar, Shamshabad Mandal, Ranga Reddy District, for consideration afresh in terms of the prescribed procedure. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order, be it from whatever source.

5 Pending miscellaneous applications, if any, in this Writ Petition shall stand closed.

SANJAY KUMAR, J.

Dt: 18.06.2019

Kvsn