

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8660 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking a Writ of Mandamus, declaring the action of the respondent No.3 in issuing the impugned Memo bearing Rc.No.B/159/2018-1, dated 04.09.2018, rejecting the ROR proceedings (ROR 37/2018) in respect of land admeasuring Acs.0.05 guntas in Survey No.309/4 situated in Rebbana Village and Mandal, as illegal, arbitrary and for a consequential direction to the said respondent to issue ROR proceedings in respect of the aforementioned land under the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue representing the respondents and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner is the owner and possessor of land admeasuring Acs.0.05 guntas in Survey No.309/4 situated in Rebbana Village and Mandal. He submitted an application, dated 15.02.2018, to the 3rd respondent/Tahsildar, Rebbana Mandal, Komaram Bheem Asifabad District and the same was disposed of by way of impugned Memo bearing Rc.No.B/159/2018-1, dated 04.09.2018, stating that the said land is assigned land. It is also contended that though the predecessors in title of the petitioner were issued Pattadar Pass Books and title deeds, there is no mention in the said documents that the disputed land is assigned land.

4. The learned Assistant Government Pleader for Revenue would submit that the disputed land is assigned land. There is remedy available to the petitioner to prefer an appeal under the provisions of Telangana Rights in Land and Pattadar Pass Books Act, 1971.

5. Admittedly, the 3rd respondent/Tahsildar, Rebbana Mandal, Komaram Bheem Asifabad District, passed the impugned Memo, vide Memo Rc.No.B/159/2018-1, dated 04.09.2018, stating that the disputed land is assigned land. An appeal is prescribed under the Telangana Rights in Land and Pattadar Pass Books Act, 1971, to challenge the impugned Memo. When there is efficacious remedy available to the petitioner to adjudicate and substantiate his contentions, it is not appropriate to allow this Writ Petition. Moreover, character of the land cannot be decided in this writ petition. The petitioner is at liberty to work out the remedies available to him under law.

6. With the above observation, this Writ Petition is disposed of at the stage of admission. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

24th April, 2019
Bvv