

HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT APPEAL No.380 of 2019

ORDER: *(Per Hon'ble Dr. Justice Shameem Akther)*

This appeal, under Clause 15 of Letter Patents Act, is filed aggrieved by the order dated 26.03.2019 passed by a learned Single Judge of this Court in Writ Petition Nos.6923 of 2018.

2. The appellants herein, filed the impugned writ petition questioning the action of respondent No.6/Tahsildar, Shamshabad Mandal, Rangareddy District in issuing impugned proceedings No.D/434/2008, dated 24-6-2014, rejecting to mutate their names as pattedars and possessors in ROR and Pahanis in respect of lands covered by survey Nos.1 to 101 admeasuring Ac.1351.00, situated at Bahadurguda village, Shamshabad Mandal, Rangareddy District. The learned Single Judge, by the impugned order, was pleased to dismiss the said writ petition, which led to the filing of this writ appeal.

3. Heard Sri Karunakar Reddy, learned counsel for the appellants and the learned Government Pleader for Revenue and perused the record.

4. Learned counsel for the appellants would contend that the order of the learned Single Judge as well as the proceedings dated 24.06.2014 of respondent No.6/Tahsildar, Shamshabad Mandal are erroneous. The appellants are owners and possessors of the aforementioned land. Further, they were not given opportunity by

the respondent No.6/Tahsildar to adduce documentary evidence. There was no delay and laches on the part of the appellants to pursue their grievance. The dismissal of the writ petition on the ground of delay and laches is erroneous. The written application of the appellants before the respondents 3 and 6 automatically deemed to be treated as appeal under Section 5 of sub-section (5) the Telangana Record of Rights in Land and Pattadar Pass Books Act, 1971 (for short 'ROR Act, 1971'), and ultimately prayed to allow the appeal by setting aside the impugned order as well as the proceedings dated 24.06.2014 of respondent No.6/Tahsildar.

5. Learned Government Pleader for Revenue supported the order of the learned Single Judge as well as the proceedings dated 24.06.2014 of respondent No.6/Tahsildar and ultimately prayed for dismissal of the writ appeal.

6. In view of the submissions made by both sides, the point for determination is:

“Whether the impugned order of the learned Single Judge dated 26.03.2019 and the proceedings dated 24.06.2014 of respondent No.6/ Tahsildar are liable to be set aside?”

7. The order of respondent No.6/Tahsildar dated 24.06.2016, which is under challenge before the learned Single Judge was passed in exercise of power conferred under Section 5 of ROR Act, 1971. Against the said order, an appeal lies before the Revenue Divisional Officer under Section 5 of sub-section (5) of the ROR Act, 1971. No such appeal is filed by the appellants as per the procedure prescribed. The appellants instead of invoking the specific and

efficacious remedy available under ROR Act, 1971, approached this Court by filing the writ petition, which is unsustainable. Further, the cause for the delay of four years in filing the writ petition was also not explained.

8. Having considered all the merits and the laches on the part of the appellants, the learned Single Judge is justified in dismissing the writ petition. The impugned order does not warrant any interference and the appeal is liable to be dismissed.

9. The writ appeal is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

Dr. SHAMEEM AKTHER, J

Date:01.07.2019

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