

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9903 of 2019

ORDER:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the Mandal Revenue Officer the 2nd Respondent herein in not registering the land to an extent of Acres 6.25 Guntas situated in Sy.No.224/EE/4 situated at Kodgal Gram Panchayat Jadcherla Mandal Mahboob Nagar District Telangana State by not amending the record of rights showing the Petitioner herein as the Pattadar of the said land despite regularising the sale transaction and issuing certificate as provided U/s 5A4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act 1971 vide order dated 09.04.2008 as arbitrary illegal unjust contrary to law and contrary to procedure prescribed under law and in violation of the Petitioners fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution of India and constitutional guarantee enshrined under Article 300 A and consequently be pleased to direct the 2nd Respondent herein to forthwith amend the ROR by entering the Petitioners name as the owner and Pattadar of the land to an extent of Acres 6-25 Guntas situated in Sy.No.224/EE/4 situated at Kodgal Gram Panchayat Jadcherla Mandal Mahboob Nagar District Telangana State and further direct to issue Pattadar passbook to the Petitioner in the interest of Justice and pass such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2 Perusal of the record reveals that the unregistered land sale document dated 01.11.2002 under which the petitioner claims title was validated and regularized by the revenue authorities in exercise of power under Section 5A of the present Telangana Rights in Land and Pattadar Pass Books Act, 1971, (for brevity ‘the Act of 1971’), as long back as on 09.4.2008. It is on the strength of the said regularisation that the petitioner seeks mutation and issuance of pattadar pass books/title deeds.

3 It is however conceded by Sri Satish Kumar Varma, learned counsel for the petitioner, that no application was made in Form VI(A) as prescribed under Section 4 of the Act of 1971 read with Rule 18 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989. Without adhering to the procedure prescribed, the petitioner cannot complain of inaction on the part of the revenue authorities.

4 In that view of the matter, the Writ Petition is disposed of permitting the petitioner to make an application in the prescribed format in Form VI(A) along with requisite fee and necessary documents seeking mutation in the revenue records in so far as the subject land is concerned.

In the event such an application is made, the Mandal Revenue Officer, Jadcherla Mandal, Mahaboobnagar District, shall take appropriate action thereon in accordance with law expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

5 Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 4th June, 2019.
Kvsn

