HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10277 of 2019

ORDER:

The petitioner assails the inaction of the revenue authorities despite the letter dated 10.02.2017 of the Chief Commissioner of Land Administration, State of Telangana, Hyderabad, requesting the Collector, Mahabubnagar District, to take appropriate action upon the petitioner's representation for correction of the revenue records in so far as the entry made therein in favour of respondent No.6 was concerned.

As this Court does not propose to go into the merits of the matter, there is no necessity to either put respondent No.6 on notice or afford him an opportunity of hearing.

The case of the petitioner is that he is the absolute owner of an extent of Ac.0.17 guntas of land in Survey No.81-A of Kammat Navva Village, Makthal Mandal, Mahabubnagar District. According to him, respondent No.6 is interested in an extent of Ac.0.75 cents of land in Survey No.81-U of Kammat Navva Village, Makthal Mandal, Mahabubnagar District, which was sold to him by the petitioner's mother. However, while carrying out mutation in the revenue records upon the request of respondent No.6, the petitioner asserts that his land admeasuring Ac.0.17 guntas in Survey No.81-A of Kammat Navva Village, Makthal Mandal, Mahabubnagar District, was also included in the landholding of respondent No.6 and mutation was effected. The petitioner claims to have made a representation to the Tahsildar, Makthal, Mahabubnagar District, in this regard on

23.02.2017, but a copy of the same is not placed on record. It appears that the petitioner thereafter approached the Chief Commissioner of Land Administration, State of Telangana, Hyderabad, and the communication dated 10.02.2017 was issued by the Chief Commissioner requesting the Collector, Mahabubnagar District, to take necessary action.

In the light of the aforestated factual scenario, it may be noted that Section 5(6) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act of 1971'), which was introduced in the statute with effect from 17.6.2017, *vide* the Telangana Rights in Land and Pattadar Pass Books (Amendment) Act, 2017, empowers the Tahsildar to correct clerical errors, if any, on the request of the pattadar or any person interested in the land.

As it is the case of the petitioner that the revenue authorities committed a clerical error in mentioning the sub-divisions of the survey number, it would be within the scope of the power conferred under Section 5(6) of the Act of 1971 for the Tahsildar to rectify the same, if he finds it to be so. However, as no representation was made by the petitioner seeking exercise of power under Section 5(6) of the Act of 1971, the Writ Petition is disposed of permitting the petitioner to make an appropriate application. In the event such an application is made, the Tahsildar, Makthal, Mahabubnagar District, shall give an opportunity of hearing to all parties concerned and decide as to whether any clerical error was committed, warranting exercise of the power of rectification under Section 5(6) of the Act of 1971. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of an appropriate application from the petitioner.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

____

JUSTICE SANJAY KUMAR

03rd June, 2019
dr