

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12431 OF 2019

Dated:16.07.2019

Between:

Thandra @ Ponagati Jyothi,
W/o.Ponagoti Jitender Rao,
Aged 32 years, Housewife, R/o.Chelpur
Village, Gangapoor Mandal, Jayashankar
Bhoopalpally District

.. Petitioner

And

State of Telangana, rep., by its
Principal Secretary, Revenue
Department, Secretariat Buildings,
Hyderabad and others

.. Respondents



This Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12431 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. According to petitioner, her father is the absolute owner of an agricultural land admeasuring Acs.2.06½ guntas covered by Survey No.62/a situated at Nerella Village, Thangalapally Mandal, Rajanna Siricilla District. She alleges that her father's name was mutated in the revenue records including 1-B Register and was also issued pattadar passbook and title deeds. She further alleges that even the latest pahanies reflect the name of her father. Petitioner now submits that her father executed a gift settlement deed under a registered gift deed dated 01.10.2016. As a consequence to the said gift settlement deed, petitioner came in possession and enjoyment of the said property. Consequently, petitioner made an application dated 21.12.2016 in Form VI-A under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, for mutation of her name in the revenue records and for issuance of pattadar passbook and title deeds. Alleging inaction in disposing of her application, she earlier filed W.P.No.9816 of 2018. The said writ petition was disposed of by order dated 30.04.2018 directing the Tahsildar to dispose of the application of the petitioner, dated 21.12.2016 within eight weeks. Pursuant to the said directions, Memo, dated 26.02.2019 was communicated to the petitioner informing her that her request was already rejected on 05.02.2018. The said Memo also refers to an objection stated to have been filed by a person, by name,

Tandra Bheema Rao, son of Raghava Rao, who was claiming that the said property was purchased from the father of the petitioner on 02.05.1976 by way of unregistered sale deed and therefore the name of the petitioner cannot be mutated in the revenue records. Aggrieved thereby, this Writ Petition is filed.

3. It was the specific assertion of learned counsel for the petitioner that copy of the proceedings, dated 05.02.2018, were not communicated to the petitioner, whereas there is a reference to the said proceedings in the impugned memo.

4. Having regard to the said submission, learned Government Pleader was directed to produce the photocopy of the proceedings of the Tahsildar, dated 05.02.2018, and accordingly the same is produced. It is a letter addressed to the District Collector, Rajanna Siricilla District, informing him that on enquiry in the village, the Tahsildar came to know that by way of a sada sale deed, the very same land was sold and objection was filed and therefore mutation was not granted.

5. It is not a decision made by the Tahsildar on an application in Form VI-A filed by the petitioner, but furnishing information to the District Collector as to why the request of the petitioner to mutate her name in the records could not be granted, reflects the nature of objections filed and the steps taken thereof. The impugned memo refers to the alleged objection filed by Tandra Paparao. From a cumulative reading of these two proceedings, it is apparent that the objections filed by Tandra Paparao were not communicated to the petitioner and no decision was made by the Tahsildar, thereby depriving the petitioner to work out her

remedies available in law and driving her to litigate before this Court on the very same issue for the second time.

6. Having regard to the same, the Memo, dated 26.02.2019, is set aside and the matter is remitted to the Tahsildar for consideration of the application of the petitioner in Form VI-A, dated 21.12.2016, after affording due opportunity to her as well as Tandra Paparao. Further, after considering the objections, if any, hold personal hearing by fixing a date in advance and on due consideration of the oral or written objections, the Tahsildar shall pass orders as warranted by law by assigning due reasons in support of his decision. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the order. It is however made clear that if the Tahsildar has already taken a decision on the application stated to have filed by the petitioner on 14.06.2016, the same may be informed accordingly to the petitioner. If no such decision was made with regard to considering the application of the petitioner in Form VI-A for mutation, the claim of Tandra Paparao for validation of sada sale deed claimed to have been made by him on 14.06.2016 shall also be considered after affording due opportunity to the petitioner.

7. The Writ Petition is accordingly allowed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:16.07.2019

KH