

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.13393 OF 2019

Date: 04.07.2019

Between:

Pudari Jaya Ramulu Goud, s/o. Pudari Malla Goud,
Aged 50 years, occu: Business, R/o.H.no.8-5-175/1/1,
Malikarjuna Nagar Colony, Road No.3, Old Bowenpally,
Secunderabad and another.

.....Petitioners

and

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

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

In response to the application filed by the unofficial respondents alleging that petitioners are blocking the right of way to their lands in Sy.Nos.674, 677, 679 of Nuthankal village, Medchal, notice dated 06.05.2019 was issued by the Tahsildar, Medchal Mandal, asking the petitioners to appear on 10.05.2019. According to the learned counsel for petitioners, petitioners appeared and they were supplied with certain copies. On perusal of the copies, they raised objections on maintainability of the proceedings of Tahsildar, however, as submitted by the learned counsel for petitioners, no written objections are filed so far. This Writ Petition is filed challenging the show-cause notice.

2. It is contended by the learned counsel for petitioners that show-cause notice is not maintainable; that the Tahsildar has no competence to adjudicate the title dispute; that dispute is between the private parties with reference to right of way; and that show-cause notice is vague.

3. It is not in dispute that application filed before the Tahsildar alleging that existing right of way to the properties owned by the complainants therein are blocked by the petitioners herein, causing hindrance to reach their properties. If what is alleged by the complainants before the Tahsildar is true, *prima facie*, the Tahsildar is competent to enquire into and find out whether there exists right of way. Learned counsel for petitioners rightly contended that Tahsildar cannot adjudicate private disputers nor can decide the title of the property. His role is confined to verify

whether there exists right of way to the complainants, who alleged that their right of way is blocked. Thus, though notice is in general form giving impression as if he is looking into the title dispute, having regard to the complaint filed before him, the only issue for his consideration is on the existence of right of way.

4. As it cannot be said that Tahsildar is not competent, this Court is not inclined to interfere at the stage of show-cause notice. Since petitioners have not filed objections, and if so far no final decision is made by the Tahsildar, petitioners are entitled to file explanation raising all objections as available to them, within two weeks from the date of receipt of copy of this order, and on receiving such objections, the Tahsildar shall consider the same, and if necessary afford personal hearing to both parties, and pass appropriate orders by assigning reasons in support of his decision.

5. Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 04.07.2019

Note: Issue C.C. in three days.

*(b/o.)
kkm*

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