THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15035 OF 2019

Date:24.12.2019

Between:

Banoth Seetharam Naik .. Petitioner

And

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

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15035 OF 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondent Nos.1 to 4, Sri G. Madhusudhan Reddy, learned counsel for respondent No.5, and learned Government pleader for Home for respondent Nos.6 and 7.

2. This Writ Petition is filed challenging the order of the appellate authority, dated 28.04.2018, entertaining the appeal preferred by the unofficial respondent No.5 and setting aside the pattadar passbook and title deeds granted to the petitioner. The primary challenge against the said order is that no remedy of appeal is provided under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') against the issuance of pattadar passbooks and title deeds. Therefore, the Revenue Divisional Officer, the appellate authority, erred in entertaining the appeal preferred by the unofficial respondent No.5. In support of the said contention, reliance is placed on the judgment of the Division Bench of this Court in **Ratnamma v. Revenue Divisional Officer, Dharmavaram, Ananthapur District[1].**

3. Though learned counsel for the unofficial respondent No.5 does not dispute the legal position, but sought to contend that there was no such decision made by the Tahsildar. The unofficial respondent No.5 was having no other remedy and therefore

---

[1] 2015 (6) ALD 609 (DB)

preferred appeal challenging granting of issuance of pattadar passbook and title deeds in favour of the petitioner.

4. Whether the Tahsildar has taken a decision to mutate the name of the unofficial respondent No.5 and whether the pattadar passbook and title deeds issued in favour of the petitioner were contrary to the entries made in the revenue records are two entirely different aspects. The fact remains that against issuance of pattadar passbook and title deeds in favour of the petitioner, remedy of appeal is not provided in the Act. Further, appeal under Section 5-B of the Act is available only against regularization or validation of an unregistered sale deed. In view of the same, the order passed by the Revenue Divisional Officer cancelling the pattadar passbook and title deeds issued in favour of the petitioner is liable to be set aside.

5. The Writ Petition is accordingly allowed and the order, dated 28.04.2018, passed by the Revenue Divisional Officer, Bhupalpally, is set aside. However, the unofficial respondent No.5 is granted liberty to avail the remedy against the alleged decision of the Tahsildar if affecting his right to property. Miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

Date:24.12.2019

KH