

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 18365 OF 2019**

**O R D E R:**

In this Writ Petition, the petitioner challenges the proceedings of the 2<sup>nd</sup> respondent Mandal Revenue Officer, dated 03.05.2019.

Respondents 3 to 6, admittedly, purchased the subject property in the auction conducted on 10.07.2007 by the Debts Recovery Tribunal in execution of certificate dated 07.02.2005 in R.P.No. 26 of 2005 in O.A.No. 266 of 2004 and that the sale deeds were executed by the Presiding Officer of the Tribunal on 10.12.2015. Thereafter, Respondents 3 to 6 had made an Application invoking Section 4 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 intimating about their acquisition of property through sale deeds and sought their names to be mutated in the revenue records both as owners as well as possessors thereof based on the title.

Learned counsel for the petitioner submits that the Application of Respondents 3 to 6 ought not to have been entertained as the petitioner came to purchase the property in 1991 itself and it appears that one of the farm servants of the petitioner in 1994 had created a fake General Power of Attorney and appeared to have executed a sale deed in favour of Respondents 3 to 6. According to the learned counsel, the petitioner had, in fact, filed O.S. No. 478 of 2016 on the file of the XVI Additional District Judge at Malkajgiri against the unofficial respondents seeking declaration of title and also to declare the registered sale deed dated 16.07.1994 bearing document No. 5101

of 1994 executed by Defendant No.1 therein and the sale certificate dated 10.12.2015 issued by the Recovery Officer, DRT, Hyderabad in favour of Defendants 4 to 7 in respect of the schedule property as null and void. The learned counsel points out that the petitioner had also raised objections dated 14.05.2019 and 20.08.2019, but the same have not been attended to so far.

Heard learned Government Pleader for Revenue for the official respondents.

Having regard to the submissions of the learned counsel for the petitioner, this Court is not inclined to entertain the Writ Petition for, the 2<sup>nd</sup> respondent is required to consider the claim of Respondents 3 to 6 in the process of enquiry under Section 5 of the 1971 Act read with Rule 9 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989. As it is the specific contention of the petitioner that it had already submitted the objections, pursuant to the notice, it shall be the duty of the 2<sup>nd</sup> respondent to consider the same in accordance with law and pass appropriate orders on merits after giving an opportunity to both the claimants as well as the petitioner as required under Section 5(3) of the Act read with Rule 9 of the 1989 Rules.

The Writ Petition is accordingly, disposed of. No costs.

The miscellaneous Applications, if any stand closed.

**CHALLA KODANDA RAM, J**

26<sup>th</sup> August 2019

Issue CC in two days.  
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