THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18771 of 2019

ORDER:

Petitioners assert that they are the legal heirs of one late Smt.Khatoom Bee W/o. late S.Rasheed Ahmed, who was the owner of land admeasuring Acs.11.34 guntas in Survey Nos.88/E pyki and 89/E pyki and obtained pattadar pass books and title deeds in 2002 and had been in possession and enjoyment of the said property uninterruptedly, during her life time; that however, on verification of the records, they found that respondent Nos.5 to 8 herein were issued pattadar pass books with respect to a part of the above said land though their parents did not alienate the same. In the circumstances, they filed this writ petition seeking to issue a direction to respondent Nos.2 and 3 to correct the revenue records and mutate their names in the place of respondent Nos.5 to 8.

Learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 submits that inasmuch as the names of respondent Nos.5 to 8 are admittedly recorded with respect to land admeasuring 7.26 guntas, the petitioners are required to initiate appropriate proceedings either by way of appeal or by way of revision, and that the representation, which the petitioners alleged to have been submitted to respondent No.4, cannot be considered as essentially in terms of Rule 21 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989, the petitioners are required to setout the memorandum of grounds enclosing the proceedings through which mutation was sanctioned in favour of respondent Nos.5 to 8. He further submits that with respect to the balance land other than the land which was alleged to have been alienated in favour of respondent Nos.5 to 8, the petitioners may make an application in terms of Sections 4 and 5 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') and the Rules made thereunder and the same will be considered and processed by respondent No.4 after conducting enquiry as mandated under Section 9 of the Act. He also submits that the writ petition may be disposed of giving liberty to the petitioners to take appropriate steps to redress their grievance.

In view of the submissions made by the learned Government Pleader and having perused the record, without expressing any opinion with respect to the merits of the matter, the petitioners are given liberty to approach the appropriate Authority seeking correction of the revenue entries and challenging the proceedings issued by the Recording Authority in favour of respondent Nos.5 to 8.

Since the issue with respect to change of entries in the revenue records cannot be adjudicated in a writ petition, the parties are also at liberty to challenge the entries and also the proceedings granting alteration of the existing entries either by way of addition or deletion before the Authority under the Act. As the claim application based on succession can be made under Sections 4 and 5 of the

Act, the petitioners may take appropriate steps seeking redressal of their grievance.

The writ petition is accordingly, disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:28.08.2019

kdl