

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19282 of 2019

ORDER:

In this writ petition, petitioners complain that respondent No.4- Tahsildar, Kotapalli Mandal, Mancherial District, is not issuing e-title pass books in terms of Section 6 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') replacing the old pass books by entering their names.

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

It may be noted that respondent No.4 categorically rejected the claims of the petitioners for issuance of e-title pass books *vide* Memos, dated 28.05.2019. Though the petitioners were issued individual Memos, they had not challenged the said Memos. It is not in dispute that the entitlement for grant of e-title pass books is governed by the Circular, dated 09.09.2017, which came to be issued pursuant to the decision of the State Government to undertake clarification and updation of the land records. In the said Circular, various steps, which are required to be followed by the Revenue authorities before sanitization exercise is undertaken, have been mentioned. Para 10 thereof specifically deals with the statutory process that is required to be taken up by the Tahsildar and the same reads as under:

"10. Statutory processes to be followed for correction/updation of records:

- (a) As per the provisions and rules framed under T.S. Land in Pattadar Pass Book and Title Deed Act, 1971 and subsequent amendments, the Tahsildar is competent to make corrections and continuous updation of Record of Rights.
- (b) Correction/Updation of records based on the field inspection shall be carried out by the team.
- (c) Conduct of (Gram Sabha) Rythu Sabha for the 2nd time and
 - (i) Reading of available List of Non-Agricultural lands/Central & State Government asserts list etc (Enclosed).
 - (ii) Reading out of corrected/updated I-B and Pahani.
- (d) Verification of corrected I-B and PPB, other relevant documents of each pattadar/owner with reference to updated pahani (or) with draft notification.
- (e) The declaration of the pattadar/farmer shall be obtained in Annexure-V (enclosed).
- (f) Where there is no rival claim and the claim is clearly established by documentary evidence, necessary proceedings to be issued by the Tahsildar in Annexure-VI (enclosed) before the conclusion of the village visit after due enquiry/field visit if necessary.
- (g) Recording the disputes and details in unsettled issues register prescribed.
- (h) Pahani and I-B register shall be updated duly following the statutory processes laid down in the Act and Rules.”

After the sanitization exercise is completed, the steps that are required to be carried out are specified in paragraphs 14, 15 and 16 thereof.

In the light of the above, particularly, in para 10 of the Circular, though it is termed as issuance of e-title pass books, virtually a de novo exercise is to be undertaken in terms of Section 3 of the Act. As the de novo exercise is being carried out, if an individual is aggrieved with the decision of respondent No.4, the same is

required to be challenged in terms of the Act and the Rules made thereunder as there being no further independent procedure that is evolved or notified in the Circular, dated 09.09.2017.

In those circumstances and as the petitioners have not challenged the Memos, dated 28.05.2019, issued by respondent No.4, the writ petition is disposed of giving liberty to the petitioners to challenge the same in accordance with law.

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

Dt:11.09.2019

kdl

CHALLA KODANDA RAM, J

