

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5473 OF 2017

ORDER

This matter is moved by way of a lunch motion.

The prayer of the petitioner in this case reads as under:

‘For the reasons stated in the accompanying affidavit, it is prayed that the Hon’ble High Court may be pleased to issue any appropriate Writ, Order or direction, preferably a Writ in the nature of WRIT OF MANDAMUS, declaring the action of official respondents herein in not issuing the Title Deed and Pattadar Pass Books in favour of the Petitioner despite mutation Application No. MU021500227982 dated 02.03.2015 being made in accordance with the Law, in respect of land admeasuring Acres 4-00 guntas in Survey No.990 and Acres 1-01 guntas in Survey No.1052, totaling to an extent of Acres 05-01 guntas, situated at Kandi Chimnapur Village, Sangareddy Mandal, Sangareddy District as being illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India by setting aside the said action and consequently direct the official respondents herein to forthwith issue the Books that are issuable under provisions of the A.P. Record of Rights in Land and Pattadar Pass Book Act, 1971, in favour of the Petitioner, in respect of the said and to pass such other and further orders as this Honble Court may deem fit and proper in the facts and circumstances of the case.’

Heard Sri Y.V.Ravi Prasad, learned senior counsel appearing for Sri K.Nanda Kishore, learned counsel for the petitioner, learned Assistant Government Pleader for Revenue, State of Telangana appearing for respondents 1 to 5, and Sri Zeeshan Adnan Mahmood, learned counsel appearing for respondent 6.

Perusal of the record reflects that the petitioner made an application in the prescribed format in Form 6(A) under the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (*for brevity*, ‘the Act of 1971’), for issuance of a pattadar pass book in relation to the land admeasuring Ac.4.00 guntas in Survey No.990; Ac.1.01 guntas in Survey No.1052, totally admeasuring Ac.5.01 guntas, in Kandi Chimnapur Village, Kandi Mandal, Sangareddy District.

Sri Zeeshan Adnan Mahmood, learned counsel, would inform this Court that there is no conflict of interest between the petitioner and respondent 6 and that the revenue authorities are delaying the processing of the petitioner's application.

As the petitioner made an application in accordance with the due procedure, it is not open to the Tahsildar, Kandi Mandal, Sangareddy District, to remain somnolent having received the petitioner's application made as long back as in the year 2015. Be it noted that in terms of Section 5 of the Act of 1971, the Tahsildar is to determine as to whether and if so, in what manner the record of rights is to be amended. In the event he chooses to refuse to make an amendment, he is required to give an opportunity of hearing to the person making a representation in that behalf. It is therefore clear that the Tahsildar, Kandi Mandal, Sangareddy District, would have the option of exercising his discretion judiciously in terms of the aforestated statutory provision.

The writ petition is accordingly disposed of directing the Tahsildar, Kandi Mandal, Sangareddy District, to take appropriate action upon the petitioner's application dated 02.03.2015 expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

11th FEBRUARY, 2019

Sv

SANJAY KUMAR, J