

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21654 OF 2019

Dated:20.11.2019

Between:

Tuduru Chandra Shekar,
S/o. Late T. Vittal, aged about
59 years, Occ: Agriculture and others .. Petitioners

And

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



This Court made the following:

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 and 2 and Sri R.K. Chitta, learned counsel for respondent No.3.

2. Petitioners challenge the proceedings/order of the Tahsildar, Kagaznagar Mandal, Komurambheem Asifabad District, the 2nd respondent, dated 28.03.2019, whereunder the Tahsildar held that the unofficial respondent is in peaceful possession and enjoyment of the subject lands and since the dispute is civil in nature, the parties have to resolve the same before the civil Court. The primary challenge of the said proceedings is that no opportunity was afforded to the petitioners to put-forth their case and the Tahsildar placed reliance on the report stated to have been submitted by the Girdawar and the Village Revenue Officer on the same day on which date the proceedings were issued and therefore the same is not sustainable.

3. To test the contention of learned counsel for the petitioners with regard to affording opportunity of hearing, it is seen from the order that there is a discussion about the said report in the said order, which would disclose that the Girdawar conducted field enquiry with the Village Revenue Officer and submitted their report. In this report, it is stated that the physical possession is in favour of respondent No.3. This report is not furnished to the petitioners. Since the report points out

physical possession aspect, which is crucial for deciding the respective claims, the Tahsildar could not have passed final orders on the same day on which date the report was submitted. On this ground alone, the order is not sustainable.

4. Learned counsel representing the 3rd respondent though sought to justify that the decision was made on merits, but he is fair in submitting that the copy of the report dated 28.03.2019 was not furnished to either of them and has no objection if the matter is remanded for consideration by the Tahsildar afresh.

5. The Writ Petition is accordingly allowed. The proceedings issued by the Tahsildar dated 28.03.2019 are set aside and the matter is remanded to the Tahsildar to consider the issue afresh by affording opportunity to both parties. The Tahsildar shall supply a copy of the report of the Girdawar and the Village Revenue Officer dated 28.03.2019 to the petitioners and respondent No.3 within two weeks from the date of receipt of a copy of this order and shall fix a date of hearing and finalize the proceedings within six weeks thereafter. The parties shall cooperate and appear on the dates fixed by the Tahsildar. After furnishing the copies, the parties are at liberty to file their objections before the date of hearing as fixed by the Tahsildar. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

Date:20.11.2019

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