

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22571 OF 2019

DATED :17.10.2019

Between :

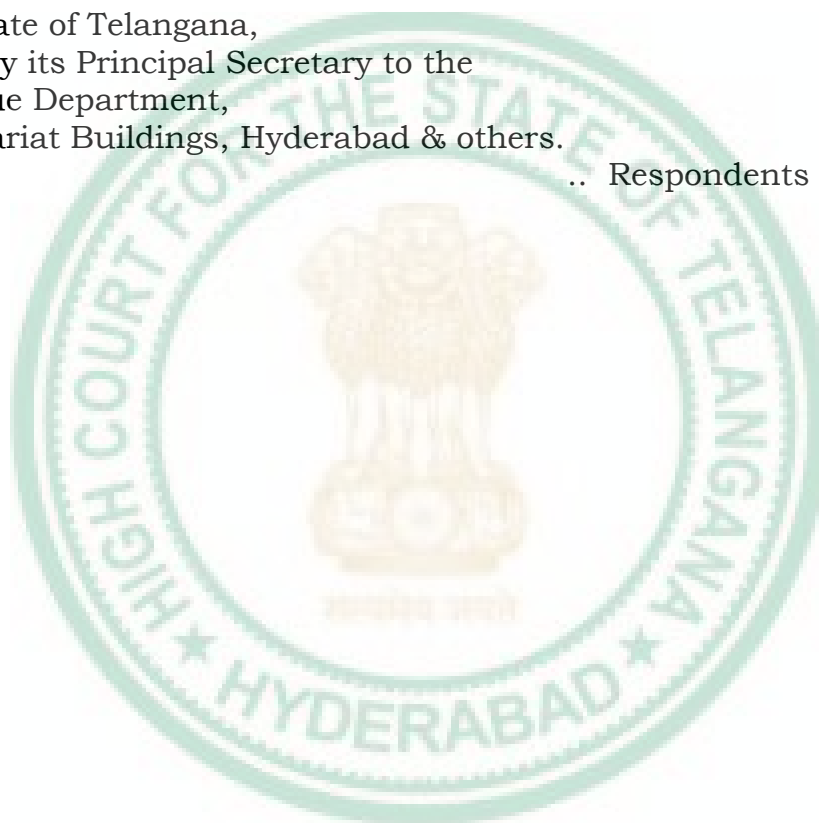
Perikiti Gangaiah @ Rajaram Gangaram,
S/o.Perikiti Rajanna @ Rajaram Rajaram,
Age : 55 yrs, Occu : Agriculture,
R/o.Komanpally Village, presently Bheerpur Mandal,
Jagtial District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary to the
Revenue Department,
Secretariat Buildings, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioner claims that the land belonging to him was submerged into Donkeshwar Sriram Sagar Project. As a consequence, he was assigned land to an extent of Ac.1-15 guntas in Sy.No.95/1 of Donkeshwar Village, Hamlet of Komanpally and he has been in possession and enjoyment of the said land and cultivating the same. But for the years from 2011-12 to 2014-15 the name of Yerla Vijaya wife of Rajanna was wrongly recorded in the revenue records, and therefore, it should be rectified. According to petitioner, from the years 2001-02 to 2014-15, his name was shown as pattadar.

3. The sum and substance of the grievance of the petitioner is that though he was assigned land and has been in possession and cultivating the same, illegally some third party's name was entered in the possessory column causing lot of hardship and suffering to him. However, as submitted by learned counsel for the petitioner, petitioner was not issued pattadar pass book, though he claimed that he was in possession of land being assigned to him long ago.

4. He further submits that in what circumstances, the third party's name was entered in the possessory column is not known. But, it is seen that such entry was made as early as in the year 2011-12. If the entry was wrongly made without following due

process, as sought to be contended by learned counsel for petitioner, petitioner ought to have availed the remedy of appeal. Instead of availing remedy of appeal, petitioner has been making representations to the Revenue Divisional Officer and Tahsildar and seeks a declaration against Tahsildar in not passing orders on the said representations.

5. Having regard to the facts noted above and having regard to the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, the question of Tahsildar considering representation of the petitioner for changing entries in the revenue records does not arise. Once entry is made by the Tahsildar, he becomes *funtus officio* and no power is available to him to review the said order even if the superior authority directs him to consider the representation. Thus, petitioner ought to have availed the remedy of appeal.

6. Learned counsel for the petitioner sought to contend that the representation dated 11.07.2019 may be directed to be treated as appeal.

7. The Telangana Rights in Land and Pattadar Pass Books Act, 1971 and the Rules made thereunder, prescribe certain proforma in which appeal has to be filed. As the appeal was not filed in the prescribed proforma and it was only a representation, the same cannot be treated as appeal. However, while preferring the appeal, it is open to the petitioner to file application for condonation of delay and the prosecution of litigation may be taken as defence in support of the reasons for not filing the appeal in time and the same may be objectively considered by the appellate authority after giving due opportunity to both parties.

8. With the above observations the Writ Petition is disposed of.
Pending miscellaneous petitions, if any, shall stand closed.

17th October, 2019
Rds

P.NAVEEN RAO,J

