

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23101 OF 2019

Dated:22.10.2019

Between:

K. Srinivasulu, S/o. K. Hanumanthaiah
and another

.. Petitioners

And

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

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents. With the consent of learned counsel on either side, the Writ Petition is disposed of at the stage of admission.

2. By the order impugned, the Joint Collector, Mahabubnagar District, exercised power under Section 9 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act, 1971'); decided the matter with reference to the status of the land; held that the subject land belongs to Bhoodan Yagna Board and therefore, the alleged sale transactions and the transfer of names are all illegally drawn. However, in the operative portion of the order impugned, the Joint Collector held that there is violation of the provisions of the Act, 1971, and therefore, directed the Tahsildar, Bhoothpur Mandal to resume the land to an extent of Acs.5.00 in Survey No.215/3 of Amisthapur Village, Bhoothpur Mandal, under cover of panchanama after affording adequate opportunity of hearing to all the affected parties.

3. Learned counsel for the petitioners sought to contend that though the direction was to proceed under Section 4(1)(a) of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act, 1977'), the Tahsildar is required to issue notice and due opportunity to the parties and if the petitioners claim to be the subsequent purchasers, they have to appear before the Tahsildar and make their submissions.

4. As rightly contended by learned counsel for the petitioners, the operative portion of the order impugned is not in the form of advice/suggestion to the Tahsildar to follow the procedure as required by the Act, 1977, but is in the form of a mandate to resume the land by conducting panchanama. Therefore, a very limited scope is available to the Tahsildar and therefore affording opportunity at this stage is only an empty formality.

5. Thus, the direction issued by the Joint Collector, Mahabubnagar District, in the order impugned is to be treated as an advice/suggestion and it is for the Tahsildar to initiate proceedings under the provisions of the Act, 1977 by independently considering the matter and if such proceedings are initiated by the Tahsildar, he shall afford an opportunity of hearing to the petitioners, who claimed to be the subsequent purchasers, and it is open to them to raise all contentions, if any notice is issued to them. The Tahsildar shall consider the objections filed by all the parties including the petitioners uninfluenced by the observations made by the Joint Collector in the order impugned and the order impugned shall stand confined only to the provisions of the Act, 1971.

6. The Writ Petition is accordingly disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:22.10.2019

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