THE HON'BLE SRI JUSTICE P.NAVEEN RAO

<u>WRIT PETITION No.23226 OF 2019</u>

<u>Date:24.10.2019</u>

Between:

Kalikota Varaprasad,
S/o. Veeraiah @ Veeresham .. Petitioner

And

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

The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.23226 OF 2019

ORDER:

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

2. Petitioner claims that he is the pattadar and in possession of agricultural land admeasuring Ac.0.35 guntas in Survey No.533 of Mahadevpur Village and Mandal, Jayashankar Bhupalpally District. He was earlier issued pattadar passbook and title deeds. While so, petitioner came to know that in the online register and in the pahanies issued in 1-B Namuna, the name of the 5th respondent is reflected against this extent of land.

3. According to learned counsel for the petitioner, no prior notice or opportunity was afforded to the petitioner and illegally the Tahsildar, Mahadevpur Mandal, undertook such exercise. Aggrieved thereby, petitioner made representation on 24.07.2019 addressed to the Revenue Divisional Officer. Learned counsel for the petitioner also submits that the Collector vide his letter dated 15.07.2019 directed the Tahsildar to consider the grievance of the petitioner. Alleging inaction on the said representation, this Writ Petition is filed.

4. The content of the representation would disclose that petitioner is aggrieved by the changes made in the revenue records and issuance of pattadar passbook and title deeds in favour of the 5th respondent by the Tahsildar. Against decision of Tahsildar, under Section 5 (5) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, appeal filed in a prescribed form, is

maintainable before the Revenue Divisional Officer. Thus, the Collector cannot direct the Tahsildar to exercise power of revision/review since there is no such power vested in him.

5. Apparently, no such appeal was preferred by the petitioner, but only a representation was made. Therefore, it cannot be said that the Revenue Divisional Officer is negligent in not acting upon the appeal.

6. Therefore, the Writ Petition is disposed of granting liberty to the petitioner to make an appeal before the Revenue Divisional Officer against alleged illegal entries made in the revenue records and issuance of pattadar passbook and title deeds. On receiving such appeal and after affording due opportunity to both the parties, the Revenue Divisional Officer shall consider the same and pass appropriate order within a period of eight weeks from the date of receipt of appeal. Petitioner shall prefer appeal within a period of two weeks from the date of receipt of a copy of this order. *Prima facie,* it appears from the material on record that the changes were effected without affording due opportunity to the petitioner. The parties are directed to maintain *status quo* obtaining as on today in all respects till a decision is made by the Revenue Divisional Officer. Miscellaneous applications, if any, pending shall stand closed.

P.NAVEEN RAO, J

Date:24.10.2019

Note: Issue C.C. in one week
(B/o)
KH