

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24474 OF 2019

Date: 18.11.2019

Between:

P. Swaroopa W/o.Late Lakshmaiah,
Aged about 55 yrs, Occu : Housewife
R/o.Dubagunta Village, Jinnaram Mandal,
Sanga Reddy District.

.....Petitioner

And

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

.....Respondents



The Court made the following:

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ORDER:

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

2. Petitioner claims to be the absolute owner and in possession of land to an extent of Ac.0-13 guntas in Sy.No.79/AA, Ac.0-04 guntas in Sy.No.80/Lu, Ac.0-25 guntas in Sy.No.81/Aa, Ac.0-05 guntas in Sy.No.80/A, 0-13 ½ guntas in Sy.No.81/Ee and Ac.0-21 ½ guntas in Sy.No.81/U, total admeasuring Ac.2-02 guntas situated at Rameshwarambanda Village, Patancheru, Sanga Reddy District. Petitioner claims that earlier her name was mutated in the revenue records and she was issued pattadar pass books and title deed bearing Patta No.573. In view of the subsequent policy decision of the Government to revise the revenue records and to issue e-pass books, petitioner applied for issuance of e-pass books. However, her application for issuance of e-pass book was rejected by the Tahsildar, vide his endorsement bearing No.B/269-08-2019 dated 30.06.2019, stating that the said lands are now in litigation, therefore, no entries can be made in the online records at this stage. Challenging the same this writ petition is filed.

3. According to learned counsel for the petitioner, though no writ petition numbers are mentioned in the endorsement, petitioner has verified from the records and found that there are three writ petitions pending in this Court. They are W.P.Nos.8239, 26701 and 33318 of 2010. According to learned counsel for petitioner, in W.P.No.8239 of 2010 the issue pertains

to lands in Sy.Nos.48 to 55, 57 to 76, 78 and 83 of Rameshwarabanda village, Patancheru Mandal, Medak District and does not concern with other survey numbers. Similarly, the petitioners in W.P.No.26701 of 2010 are challenging the order of Tahsildar dated 03.12.2009 dealing with Sy.Nos.48 to 55, 57 to 76, 78 and 83 of Rameshwarabanda Village, Patancheru Mandal, but does not concern with other survey numbers. However, due to mistake in paragraph No.3 of the affidavit, the petitioners therein mentioned the survey numbers as 48 to 55, 57 to 76 and 78 to 83, instead of mentioning as 78 and 83. It is clear from the reading of the impugned proceedings.

4. Similarly, in W.P.No.33318 of 2010, the petitioners therein were not concerned with other survey numbers, other than Sy.Nos.48 to 55, 57 to 76, 78 and 83 of Rameshwarabanda Village, Patancheru Mandal. But erroneously in Paragraph No.3 of the affidavit, they have mentioned as Sy.Nos.78 to 83. It is also clear from the prayer sought in the writ petition. In the said writ petition, petitioners were concerned only with land to an extent of Ac.4-00 in Sy.No.71/A3 of Rameshwarabanda Village. Learned counsel therefore, submits that the rejection of request of petitioner for issuance of e-pass book was erroneously made and the same is liable to be set aside.

5. According to learned Government Pleader, there appears to be some mistake in verifying the revenue records, while issuing the endorsement and he fairly submits that the matter may be remitted to the Tahsildar, for consideration of the issue afresh by setting aside the impugned proceedings.

6. Having regard to the averments made in the earlier writ petitions and the prayers sought therein, I find merit in the contention of learned counsel for the petitioner. Furthermore, the endorsement of the Tahsildar does not assign clear reasons as to what is the litigation pending and what is the claim in the alleged litigation, but a vague reply was given by saying that the subject matter is in pending litigation. Such endorsements are not valid. The Tahsildars have to be careful in specifying the reasons clearly as to why the requests cannot be accepted, in order to enable the persons aggrieved by such decision to work out their remedies.

7. Therefore, the impugned proceedings are set aside and the matter is remitted to the Tahsildar, Patancheru Mandal, Sanga Reddy District-3rd respondent to consider the application submitted by the petitioner for issuance of e-pattadar pass books and title deeds, by duly examining the claim vis-à-vis the revenue records. The entire exercise shall be completed within a period of four weeks from the date of receipt of copy of this order.

8. Accordingly, the Writ Petition is allowed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

18th November, 2019
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