

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 24616 of 2019

Date: 11.11.2019

Between :

Nalla Ramesh

Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Revenue Department,
Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioner and learned Government Pleader for Revenue and perused the record.

2. Petitioner claims to be owner and in possession of agricultural land to an extent of Ac.5-13 guntas in Sy.No.376/2 situated at Bardipur Village Shivar of Ibrahimpatnam mandal having purchased the same from its original owner, pattadar and possessor Moharinu Prabhakar Rao under registered sale deed bearing Document No.2522 of 2018 dated 21.7.2018. According to petitioner, his name was mutated in the revenue records and his vendor was also issued with e-title book and 1B Namuna and pahanies. When the petitioner applied for issuance of e-title book, vide impugned memo dated 26.10.2019, his request was rejected by the 3rd respondent-Tahsildar holding that there is a dispute between the petitioner, Sarpanch of the village and villagers concerning the above extent of land and therefore the said land was included in the disputed property list i.e. Part-B list and unless and until it is deleted from the said list, pattadar passbook cannot be issued. Hence this writ petition.

3. It is not in dispute that the Tahsildar is the competent authority to deal with the claim of issuing pattadar passbooks. If the petitioner is aggrieved by inclusion of his property in the disputed property list, he ought to have challenged the same before appellate authority by way of filing appeal under Section 5(5) of A.P. Record of Rights Act and without availing such remedy, the present writ petition is filed.

4. Learned counsel for petitioner contends being aggrieved by the interference of some third parties, petitioner filed suit for perpetual injunction in O.S.No.62 of 2019 on the file of Junior Civil Judge, Metpally and along with the suit, I.A.No.180 of 2019 was also filed for temporary injunction and the Court below granted interim injunction by order dated 7.8.2019 in favour of petitioner and petitioner is in possession of subject land.

5. These are all disputed questions of fact which cannot be gone into in a writ petition filed under Article 226 of the Constitution of India. They have to be gone into by the appellate authority and the petitioner ought to have availed remedy of appeal before appellate authority. Granting such liberty to the petitioner to file appeal before appellate authority, if so advised, against inclusion of his property in the disputed property list, the writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date: 11.11.2019
DA

P.NAVEEN RAO,J

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