

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24683 OF 2019

Date: 18.11.2019

Between:

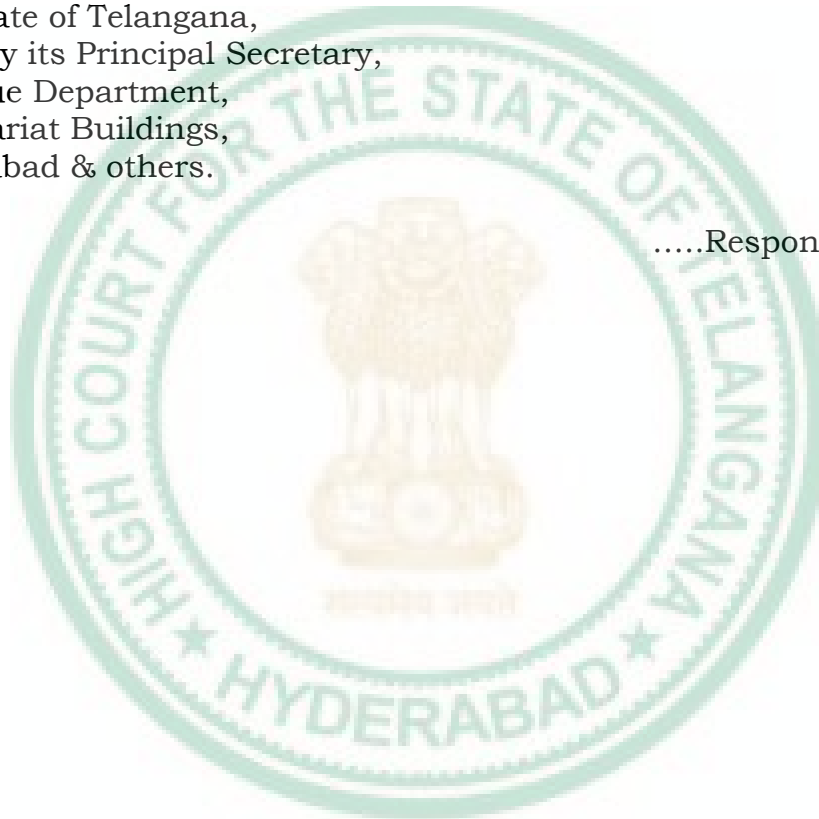
M.D.Ghouse S/o.Shaik Magulan Sab,
Aged about 52 yrs, Occu : RTC Driver,
R/o.Brahmanpally, Madgula Mandal,
Ranga Reddy District,
(Earlier Mahabubnagar District) & others

.....Petitioners

And

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

.....Respondents



The Court made the following:

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ORDER:

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

2. Petitioners claim that land to an extent of Ac.4-08 guntas in Sy.Nos.191/63, 191/40 and 191/65 of Brahmanpalli Village Shivar, Madgula Mandal, Ranga Reddy District (Mahabubnagar) was allotted to father of first petitioner under Lavoni Rules and from the date of such allotment, they are in possession and enjoyment. The deponent's father died on 12.01.2015. Petitioners now allege that 5th respondent made application creating fictitious survey number as 191/176. The 4th respondent-Tahsildar, without issuing notice and conducting enquiry, mutated the name of 5th respondent. Aggrieved thereby, they preferred appeal before the Revenue Divisional Officer (RDO), Ibrahimpatnam, Ranga Reddy District. The RDO, by his order, dated 15.06.2018, held that assignee violated the conditions of assignment in respect of land to an extent of Ac.1-00 guntas in Sy.No.191, therefore, the request of the petitioners for cancellation of patta in favour of 5th respondent to an extent of Ac.0-30 guntas was rejected and matter was remanded to the Tahsildar to conduct denova enquiry and take necessary action as per Government of Telangana Revenue (Assn.I) Department Memo No.24196/Assn.I(3)/2017-1, dated 18.12.2017. Petitioners challenge the said decision.

3. Learned counsel for the petitioners sought to contend that Korukoru Laxmamma-5th respondent is no way concerned with

the deponent's father, the father of deponent never alienated the land as sought to be contended and erroneously the name of 5th respondent was recorded in the revenue records against Ac.1-00 in the Sy.No.191 by creating false sub-division and the RDO has not appreciated the stand of petitioners vis-à-vis the contention of 5th respondent and erroneously, rejected the appeal preferred by the petitioners.

4. From a reading of the order of RDO, dated 15.06.2018, it appears that the lower authority has oscillated from one extreme to other extreme on issue of possession. But it appears from the final analysis of the RDO that 5th respondent claims to be in physical possession. It appears, based on her claim that by way of Sada Sale deed, Ac.1-00 of land was sold to her and mutation exercise was undertaken in the year 2006 and thereafter, her name was also recorded in the revenue records on 07.02.2006 to the extent of Ac.1-00 and the said extent was not deducted from the land holdings of Sri Md.Pedda Moulana S/o.Hussain. In view thereof at this stage, this Court is not inclined to interfere with the order on the issue of possession.

5. Learned counsel for the petitioners fairly submits that if a direction is issued to complete the enquiry as directed by the RDO, petitioners would be satisfied.

6. It appears, so far the 5th respondent has not assailed the decision of RDO, directing the Tahsildar to conduct enquiry.

7. In view thereof, and without entering into merits, the Writ Petition is disposed of directing the Tahsildar, to complete the enquiry as ordered by the RDO in his order dated 15.06.2018,

as expeditiously as possible, preferably within a period of six weeks from the date of receipt of copy of this order, by affording due opportunity to the petitioners and 5th respondent. However, it is open to the parties to raise all the pleas as available in law, including the contentions raised in this writ petition by the petitioners. It is also made clear that there is no expression of opinion and whatever is discussed above is only for the purpose of disposal of this writ petition and the competent authority is free to deal with the matter as directed by the RDO. The rights and the claim of 5th respondent are preserved. It is also made clear that the 5th respondent shall not create any third party interest till the finalization of enquiry. Pending miscellaneous petitions, if any, shall stand closed.

18th November, 2019
Rds

P.NAVEEN RAO, J