HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25231 OF 2019

Date: 18.11.2019

Between:

Venu Cheggam s/o. late Ch.Jagannadha Swamy,
Aged about 39 years, occu: Agriculture,
r/o.H.no.2-139, Gandhinagar (V), Ghanpur(M),
Bhupalpally district, TS.

.....Petitioner

and

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

.....Respondents

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

The Court made the following:

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ORDER:

According to petitioner, his father by name Ch.Jagannadha Swamy was assigned agricultural land to an extent of Ac.01.21 guntas in Sy.No.204/105 of Mylaram revenue village, Ghanpur Mandal. Father of petitioner died on 17.08.2005, leaving three legal heirs, namely, petitioner, his brother and mother. Petitioner alleges that name of Bangari Komuramma is appeared in the possession column without notice or opportunity to the petitioners' family. It is further contended that above entries were maintained in the pahanies for the years 2003-04 and 2006-07. Petitioner made application before the District Collector requesting to enquire the matter regarding entries in the revenue records. The District Collector, in turn, forwarded the same to the Tahsildar and called for the report. On 07.09.2019, the District Collector issued reminder asking the Tahsildar to respond to the earlier directions and to enquire into the matter and take necessary action as per the rules and also furnish action taken report. Alleging inaction on the said complaint and directions of the District Collector, this Writ Petition is filed.

2. In other words, petitioner is seeking enforcement of directions issued by the superior authority to the subordinate authority. As per the provisions of the Telangana Assigned Lands (Prohibition of Transfer) Act, 1977 (for short, 'the Act, 1977), Tahsildar is competent to initiate proceedings under Sections 3 & 4 of the Act, 1977 against illegal occupation by third party on land assigned to a landless poor person, evict and restore the possession to the assignee. No application is filed before the Tahsildar, but representation/ application is made to the District Collector and the District Collector

in turn asked the Tahsildar to enquire and to report to him. As the Tahsildar being a quasi-judicial authority, he has to act independently whenever an application is made before him, but higher authority cannot mandate submission of reports to him on an application filed before the authority. Under Section 4-B of the Act, 1977, revisional power is available to the Collector. If the Collector was of the opinion that grievance attracts the provisions of the Act, under Section 4-B, he could have entertained the revision and conducted enquiry on his own, but cannot mandate the Tahsildar, who is an independent entry level authority, to enquire and to report the issue arising under the Act, 1977. Further, petitioner sought to contend that from the year 1984-85 the name of other person is mentioned in the revenue records. It is seen that his father died in the year 2005. Therefore, whether his father alienated the land and in what manner, the name of Smt. Bangari Komuramma entered in the revenue records is not explained, and steps taken by the petitioner are also not stated.

3. Having regard to the statutory mandate and the remedy of appeal/revision available to an aggrieved person to seek enforcement of Act, 1977, subject to limitation and latches, the prayer sought in the writ petition cannot be entertained. Writ Petition is accordingly dismissed, leaving it open to petitioner to work out remedy as available in law. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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kkm

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