

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25874 OF 2019

Date: 25.11.2019

Between:

Alasakani Ram Prasad, s/o. Veeraiah,
Aged about 52 years, occu: Agriculture,
r/o. Chilkur village and mandal,
Suryapet district.

.....Petitioner

and

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

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the absolute owner, pattadar, and in possession of agricultural land to an extent of Ac.3.00 guntas in Sy.No.521 of Chilkur Revenue Village Shivar and Mandal in Suryapet district. With love and affection, petitioner claimed to have gifted the said property to his wife, who was suffering with throat cancer. While she was undergoing treatment in the hospital, the unofficial respondent (5th respondent) and his wife hatched a plan and got the property registered in their name. Thereafter, 5th respondent sold it to the 6th respondent. Petitioner contends that as illegal sale transaction took place by misleading his wife, who was suffering with serious ailment, he filed O.S.No.107 of 2019 pending in the Court of Senior Civil Judge at Huzurnagar, praying to declare him as owner and in possession of the suit land; declare the registered sale deed dated 18.06.2013, and consequential registered sale deeds, dated 31.03.2016 and 04.06.2019 on the file of Sub-Registrar Office at Kodad, null and void and not binding upon the plaintiff and to grant consequential directions. Petitioner contends that trial Court granted *status quo* and in pursuant thereof, petitioner is in possession.

2. Learned counsel for petitioner submits that as petitioner is in possession, whereas illegally names of unofficial respondents were mutated one after the other in the pattadar column and also in possessor column, he submitted representation to the Tahsildar on 10.08.2019 to conduct panchanama and to find out that he is

cultivating the land and consequently, to reflect his name in the possessor column. Alleging inaction, this Writ Petition is filed.

3. As noted, from the facts recorded above, firstly petitioner lost the title to the property as wife in whose name the said land is standing sold the property to the 5th respondent in the year 2013 and further sale transaction took place later. Therefore, consequential names of unofficial respondents are reflected in the revenue records. Except alleging that petitioner is in possession, no other material is produced. The revenue records do not support the possession claim also. Further, petitioner having filed suit praying to declare him as owner and possessor of the suit land, nothing prevented the petitioner to file appropriate application before the said Court to seek appropriate relief. Moreover, if the petitioner is in possession and if the trial Court granted injunction, the possessory claim of the petitioner is already protected. Therefore, there is no need for petitioner to ask the revenue authorities to conduct panchanama. Further, no panchanama can be conducted when no proceedings are pending before the revenue authorities. Thus, relief sought in the Writ Petition cannot be granted. Leaving it open to petitioner to work out his remedy as available in law, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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