THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

<u>WRIT PETITION NO.26060 OF 2019</u>

<u>Date: 26.11.2019</u>

<u>Between</u> :

Kongala Kannaiah, S/o.Late Somaiah,
Aged about 60 yrs,
R/o.H.No.5-101, Koyagudem Village & PO,
Tekulapall Mandal,
Bhadradri Kothagudem Dist.

.....Petitioner

And

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

.....Respondents

The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26060 OF 2019

ORDER:

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

2. Petitioner claims to be the owner, pattadar and in possession of land to an extent of Ac.12-20 guntas in Sy.No.169/3/AA situated at Shantinagar, Koyagudem village, Tekulapalli Mandal. According to petitioner, his grandmother by name Thodeti Pitchamma acquired the above said land and cultivated the same for long time and her name was reflected all along till 2017-18, and Form-1 B Certificate was also issued. Subsequently, the name of Thodeti Pitchamma was changed as Thodeti Pitchaiah, and the names of third parties are reflected against possessory column. Aggrieved by reflection of third party names in the possessory column and issuing pattadar pass books, petitioner submitted application to the Revenue Divisional Officer (RDO), Bhadradri Kothagudem District, on 22.03.2018 requesting him to rectify the entries in the revenue records, and to issue pattadar pass book to him. Alleging inaction on the said application, this writ petition is filed.

3. In other words, the grievance of the petitioner is against change of name in the revenue records and reflecting wrong name of pattadar and unconcerned persons as possessors of the subject land, without following due process, by the Tahsildar. Against any decision made by the Tahsildar, remedy of appeal is provided under Section 5 (5) of the Telangana Rights in Land and Pattadar

Pass Books Act, 1971 (for short 'the Act, 1971') or Revision under Section 9 of the Act, 1971. Without availing the remedy of appeal or revision, petitioner submitted application to the Revenue Divisional Officer. The RDO being a statutory authority is vested with power to deal with the grievances arising out of the provisions of the Act, 1971. Petitioner has to prefer appeal but not application and the RDO cannot entertain such application and decide the matter. In the Rules formulated under the Act, 1971, due procedure is prescribed as to how appeal has to be preferred and what are the formalities required to be complied. The application submitted by the petitioner is not in prescribed form and does not comply with the requirements of the Act, 1971 and the Rules made therunder. Therefore, the relief sought in the writ petition cannot be granted.

4. Thus, granting liberty to the petitioner to avail appropriate remedy as available in law, against changes affected in the revenue records on the subject land, the Writ Petition is disposed of. Miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

26th November, 2019
Rds