THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 26411 OF 2019

Date: 29.11.2019

Between:

Smt Kura Lalithamma W/o.Kura Monappa,
Age 48 yrs, Occu: Agriculture,
R/o.H.No.17-118, Munnur Veedhi,
Kosgi (Post & Mandal), Narayanpet District-509339.

.....Petitioner

And

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

.....Respondents

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

The Court made the following:

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ORDER:

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

2. Petitioner claims that she purchased land to an extent of Ac.1-32 guntas in Sy.No.6 on 12.02.2014 and Ac.3.23 guntas in Sy.No.8 on 17.12.2015 of Kosgi Village and mandal, Narayanpet District from the 5th respondent, through unregistered sale deeds on payment of total sale consideration and in terms thereof, possession was also handed over to her. Petitioner claims that on 26.02.2019 she made an application for incorporation of her name in the possession column after conducting panchanama. She also made an application on 11.03.2019 to conduct spot panchanama and to issue pattadar pass books and Sadabainama. On 09.08.2019, panchanama was conducted, affirming the possession of petitioner. While so, petitioner alleges that on 20.07.2019, the 5th respondent executed registered sale deed in favour of respondents 6 to 8 on the above extents of land. Based on the said registered sale deed, respondents 6 to 8 are seeking to get their names mutated in the revenue records, and in such an event, grave prejudice would be caused to the petitioner.

3. According to learned counsel for the petitioner, petitioner filed O.S.No.47 of 2019 in the Court of Senior Civil Judge, at Narayanpet to grant decree of specific performance of agreement of sale, wherein, the respondents herein are defendants in the said suit. Learned counsel also informs the Court that

petitioner also filed interlocutory application to grant injunction against dispossession and the said application is pending consideration of the trial Court. That being so, this writ petition is filed to declare the action of the Tahsildar in proceeding to issue pattadar pass books in favour of respondents 6 to 8, by implementing the registered sale deed dated 20.07.2019, as illegal and arbitrary.

4. Section 4 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971') requires intimation of the right acquired by any of the means mentioned therein, which includes purchase of property by valid sale transaction. On making such application, the same has to be processed. A detailed procedure is envisaged by the Rules made under the Act, 1971. Since petitioner has already availed the remedy of instituting the suit and application is also filed, she has to work out her remedies and she is also entitled to file objections.

5. At this stage, learned counsel for the petitioner submits that objections are also filed, but so far no decision is made by the Tahsildar. Even before a decision is made, petitioner filed this writ petition to direct the respondents 2 to 4 not to entertain the applications and pass orders on the applications made.

6. As statutory scheme requires consideration of application made, no direction can be issued, restraining the competent authority from exercising power vested in him, even before a decision is taken by him. It cannot be said that a person who is aggrieved by the decision of Tahsildar, is remediless. The Act,

1971 envisages remedy of Appeal and a Revision against decision made by the Tahsildar and in given circumstances, writ remedy is always available to aggrieved person within the parameters of judicial review. Thus, at this stage, the Court is not inclined to entertain the writ petition and grant the relief as prayed for.

7. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

29th November, 2019
Rds

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD