THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 26418 OF 2019

Date: 29.11.2019

Between:

Gurrala Sattaiah, S/o.Rajamallaiah,
Aged about 51 yrs, Occu : Agriculture,
R/o.Singaram Village, Rajapeta Mandalam,
Singaram, Jalasingaram, Nalgonda District.

.....Petitioner

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

2. Petitioner claims to be the owner and in possession of agricultural land to an extent of Ac.2-33 guntas in Sy.No.144/G/1, 145/H/1 and 153/K/2 of Salavpur Village, Bachannapeta Mandal, Jangaon District, and he was issued pattadar pass books and title deeds. The property details contains Khata number as 117. Petitioner claims that on 19.11.2019 he filed objections against alleged attempt made by two persons named therein, in getting their names mutated in the revenue records, by referring to an alleged false registered sale deed bearing No.1214/2005 and the same shall not be entertained.

3. The prayer in the writ petition, averments in the writ petition and the representation, would prima-facie disclose that the two persons claiming the land, based on an alleged registered sale deed have so far not made application for mutation .

4. In other words before an application is made by the other party requesting for mutation, objection is filed and immediately thereafter this writ petition is filed alleging that the objections filed, are not considered. In other words, what is stated is nothing but a pre-emptive litigation, even before action is initiated.

5. The Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971') and the Rules made thereunder, envisage detail procedure, whenever application is made for amendment of entries in the revenue records, on acquiring new right. Whenever, such application is made, it is bounden duty of the Tahsildar to entertain the application and process the same in accordance with the Rules. The Act, 1971 envisages detail procedure including issuing of notices to the affected parties and person interested in the subject property. Therefore, it cannot be said that Tahsildar would deviate from the statutory requirements and take a decision without following due process as sought to be contended, for this Court to entertain the writ petition at this stage.

6. Thus, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies as available in law. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

29th November, 2019
Rds