

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 26793 OF 2019

Date: 04.12.2019

Between:

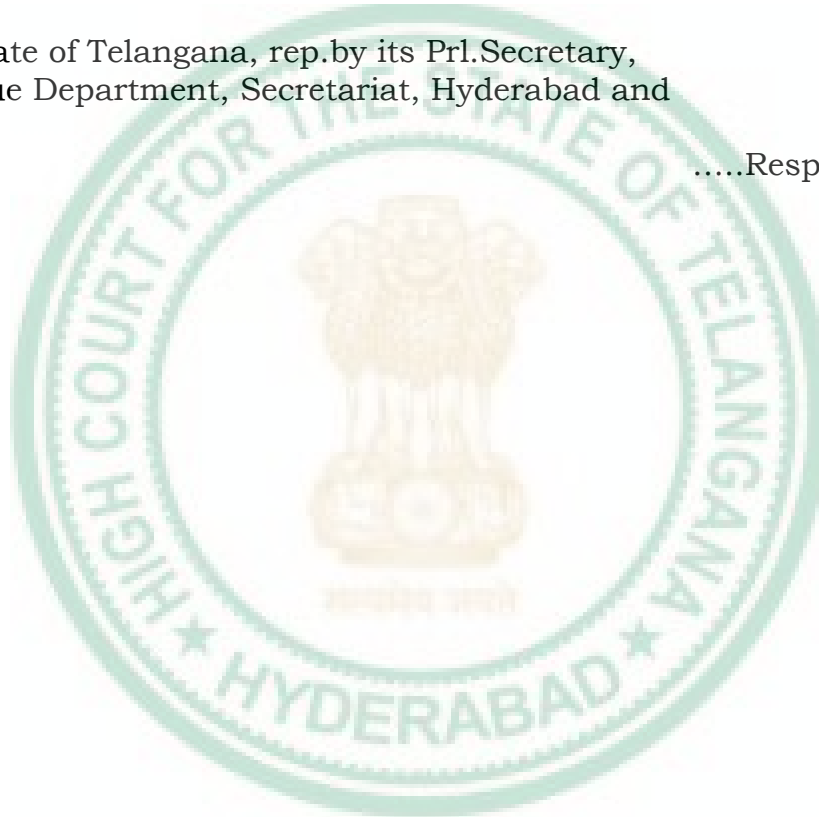
Rahim Sulthana D/o. late Abdul Aziz,
Aged about 50 years, occu: Housewife,
r/o. Kalavapalli village, Athamakur Mandal,
Yadadri Bhoongiri district, now residing at
H.No.12-15-1077, M.K.Nagar, Osmania
University, Hyderabad.

.....Petitioner

and

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

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner claims that she is the owner and in possession of land to an extent of Acs.10.26 guntas of land in Sy.No.61 of Kalavapalli village, Athamakur (M) Mandal, Yadadri Bhoongiri district. Petitioner alleges that she is residing in Hyderabad and though her name is shown in the pattadar column, in the subsequent entries against possessor column, it is shown as 'land is in dispute'. Petitioner alleges that based on the complaint filed by her, the Tahsildar prepared draft Form-1B and pattadar pass books in favour of petitioner, but so far the original Form-1B and pattadar pass books are not issued.

2. Petitioner claimed to have submitted representation on 12.07.2019 to the District Collector, who forwarded the same to the Tahsildar. The Tahsildar issued Memo dated 18.07.2019 to the petitioner to appear before him on 27.07.2019 with all relevant documents. Thereafter, memo dated 20.08.2019 was issued informing that sale transactions have taken place on 25.02.2015, 10.03.2015 and 22.05.2015 and, therefore, at this stage, he cannot undertake request and advised to go in appeal. At this stage, this Writ Petition is filed.

3. With reference to the endorsement dated 20.08.2019, learned counsel for the petitioner is unable to explain as to what were the sale transactions that took place in the year 2015 and what extent of land covered by the said sale transactions. Further, it appears, Baddam Sathi Reddy filed application on 25.06.2019 to regularize the sada sale deed claimed to have been executed to an

extent of Acs.7.20 guntas belonging to the petitioner. Accordingly, notice was issued to the petitioner on 18.07.2019 calling for the objections. Without filing objections, this Writ Petition is filed.

4. As per the procedure evolved by the Government and in terms of the provisions contained in Section 5A of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, a person is entitled to file an application for regularization of sada sale deed. Once such application is filed before 31.12.2017, the Tahsildar cannot refuse to entertain the said application, but has to process and deal with the matter in accordance with the provisions of the Act, 1971 and the Rules made there under. Therefore, notice issued on 18.07.2019 cannot be faulted, and without filing explanation to the said notice petitioner rushed to this Court after four months and asking for issuance of pattadar pass book and title deed.

5. Having regard to the documents placed on record, Court is not inclined to grant the relief prayed by the petitioner at this stage. Leaving it open to petitioner to file her explanation to the notice dated 18.07.2019 within a period of two weeks, if so far proceedings are not finalized, Writ Petition is disposed of. On filing such explanation, the Tahsildar shall consider the same before taking a decision on the application filed for validating the sada sale deed, if not a decision is already taken. If a decision is already taken, the same may be informed to the petitioner. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 04.12.2019
kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.26793 OF 2019

Date: 04.12.2019

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