

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 26857 of 2019

Date : 5.12.2019

Between:

Belli Mallesh S/o Srisailam Age 40 years Occ Agriculture R/o
Kalava Bazar Aswapuram Village and Mandal Bhadradi
Kothagudem District

Petitioner

And

The State of Telangana and 4 Others
Rep by its Principal Secretary Revenue Department Secretariat
Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue and with their consent writ petition is disposed of at the admission stage.

2. Writ petition is filed challenging the notice issued by Tahsildar dated 19.11.2019 calling upon the petitioner to submit his explanation along with supporting documents on the claim made by 5th respondent that his name should be mutated in the revenue records for land to an extent of Ac.0.10 guntas in Survey 448/2, Nellipaka village Aswapuram mandal, Khammam district, out of total extent of Ac.1.36 guntas.

3. According to learned counsel for petitioner, this notice is challenged primarily on the ground that earlier 5th respondent filed appeal before the Sub Collector challenging the entry of names in the revenue records and issuance of pattadar pass books but the said appeal was dismissed and instead of availing the further remedy of filing petition before the Agent to Government, again fresh application is filed before the Tahsildar, therefore the application is not maintainable.

4. It is seen from the order of the Sub Collector that appeal was preferred under Section 5 (5) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, praying to cancel the pattadar pass book issued to petitioner, wherein, the Sub Collector observed that issuance of pattadar pass book is not a quasi judicial decision and therefore is not amenable for appellate jurisdiction, therefore, appellant has to avail

appropriate remedy. He has also observed that appellant has not produced documents evidencing mutation, therefore, left to him to workout his remedies. It is thus seen that the issue before the Sub Collector in the appeal was confined to the claim of annulling pattadar pass book issued in favour of petitioner for entire extent of land owned by petitioner but it does not relate to the entry of name in the revenue records, therefore, I see no error in the notice issued by Tahsildar.

5. Act, 1971 and Rules made thereunder envisage detailed procedure regarding acceptance of the claim for mutation. According to petitioner, he has sent all relevant documents of ownership to Tahsildar by courier. Unless procedure is followed, Tahsildar cannot undertake the exercise for mutation of name of a person who applied for mutation. Therefore, at this stage, it cannot be accepted that Tahsildar would deviate from the procedure envisaged by the Act and pass orders in violation thereof affecting the right of the petitioner. It is needless to observe that if Tahsildar fails to follow the procedure and it adversely affects the interests of petitioner, petitioner is not remediless, warranting entertaining writ petition.

6. Accordingly, writ petition is disposed of, leaving it open to the petitioner to workout the remedies available to him under law. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 5-12-2019
TVK

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