

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26983 OF 2019

Date: 06.12.2019

Between:

Poredy Kista Reddy s/o. Papi Reddy, Aged 75 years,
Occu: Agriculture, r/o. Kothagattu village,
Shankarpatnam Mandal, Karimnagar district and
another.

.....Petitioners

and

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

.....Respondents



The Court made the following:

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ORDER:

Subject matter of the *lis* is Acs.2.10 guntas in Sy.No.576 of Molamguru village, Shankarpatnam mandal, Karimnagar District. The deponent alleges that her paternal uncles - Poreddy Ram Reddy and Poreddy Thirupathi Reddy are trying to knock away their property and now they are pursuing to obtain pattadar pass books and in such an event, grave prejudice would be caused to the petitioners. The averments in the affidavit filed in support of the Writ Petition would disclose that those two persons filed O.S.No.232 of 2005 in the Court of Principal Junior Civil Judge at Huzurabad. Said suit was dismissed. Aggrieved thereby, they preferred Appeal Suit No.13 of 2013 in the Court of Senior Civil Judge, Huzurabad. The Senior Civil Judge by his judgment dated 07.03.2018 allowed the Appeal Suit setting aside the judgment of the lower Court and decree of perpetual injunction was granted in favour of those two persons, who are the plaintiffs in the suit. The Court also declared the document under Ex.A2 be treated as null and void. Ex.A2 is the Registered Gift Settlement Deed dated 13.09.2005. Petitioners claim that Second Appeal No.550 of 2018 is filed before this Court and the same is pending.

2. Learned counsel for petitioners submits that since S.A.No.550 of 2018 is pending, granting of pattadar pass books till the Second Appeal is disposed of should be stayed, otherwise those persons would knock away the property and create third party interest. Learned counsel further submits that on 01.11.2019 representation was made to the District Collector seeking direction

to restrain the Tahsildar from issuing pattadar pass books, but so far the District Collector is not acting upon the application filed by the petitioners, whereas Tahsildar is actively taking steps to issue pattadar pass books in favour of those two persons.

3. Learned counsel for petitioners does not dispute that the revenue records reflect the names of those two persons. As long as revenue records reflect their names, the direction to Tahsildar not to issue pattadar passbooks cannot be granted. Passbooks only reflect the entries in the revenue records and, therefore, no right accrue only if pattadar pass books are not granted nor the status of the persons as pattadars and/or in possession of the subject land would alter.

4. Furthermore, in the representation, 1st petitioner is seeking direction not to issue pattadar pass books. No such direction can be issued as long as those two persons' names are reflected in the revenue records and if application is made to issue pattadar pass books, the same shall be processed and if otherwise valid, pattadar pass books can be granted. Even District Collector cannot restrain the Tahsildar from issuing pattadar pass books, if the claim before the Tahsildar is in accordance with the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 and the Rules made there under. Further, in the present Writ Petition, though allegations are made against those two persons, they are not arrayed as respondents in the Writ Petition.

5. For the aforestated reasons, the claim in the Writ Petition cannot be granted, and accordingly, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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