

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27055 OF 2019

Date:06.12.2019

Between:

S. Krishna, S/o. Lingaiah,
Age 44 years, Occ: Agriculturist,
R/o.Thangadalpalli, Choutuppal Mandal,
Yadari Bhongir District and another .. Petitioners

And

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



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.27055 OF 2019****ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

2. Petitioners claim that they are in possession of land to an extent of Acs.2.10 guntas in Survey Nos.243 to 246, 268 and 269 of Thangadalpalli Village, Choutuppal Mandal. They allege that their father purchased land to an extent of Acs.7.00 from S. Ramulamma and her sons on 15.01.2007 by paying valuable consideration; an agreement was executed by her and her son S. Yadaiah and others and possession was also delivered to them. However, on 27.02.2007, a sale deed was registered in their favour on land to an extent of Acs.4.14 guntas leaving aside the balance extent of land. Petitioners allege that the owners sold the said land to respondent No.5 and therefore their father filed suit for specific performance of agreement of sale in respect of balance extent of land in the Court of the Junior Civil Judge, Ramannapet, vide O.S.No.278 of 2007. After demise of their father, petitioners came on record and prosecuted the said suit. Petitioners allege that respondent No.5 also filed O.S.No.153 of 2008 and the same is pending consideration. On an application made by respondent No.5, the Tahsildar passed orders on 26.11.2019 holding that as of now the name of Ch. Mallesh, respondent No.5, is recorded in the revenue records by virtue of the orders passed on 21.08.2012. Therefore, the Tahsildar has ordered for deletion of land to an extent of Ac.0.10 guntas in Survey No.244, Ac.0.14 guntas in Survey No.245, Ac.0.32 guntas in Survey No.268 and Ac.0.28

guntas in Survey No.269 i.e., totaling to Acs.2.04 guntas from Dharani Website Part-B. This order is challenged in this Writ Petition.

3. Against the decision of the Tahsildar, remedy of appeal is available to the petitioners. However, without availing the said remedy, straight away the petitioners filed this Writ Petition.

4. Learned counsel for the petitioners does not dispute the fact that the revenue records would reflect the name of the unofficial respondent. Thus, it cannot be said that the order impugned in the Writ Petition is *ex facie* illegal warranting interference by this Court on a Writ petition filed without availing the remedy of appeal. Therefore, this Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioners to avail the remedy of appeal against the decision of the Tahsildar. Miscellaneous petitions, if any, shall stand closed.

Date:06.12.2019

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P. NAVEEN RAO, J