

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27192 OF 2019

Date: 09.12.2019

Between:

Doosa Pochaiah, S/o.Kistamaiah,
H.No.8-6-17/2, Padmashalipuram,
Post Keshavigiri, Hyderabad 500 005

.....Petitioner

And

The State of Telangana,
Rep., by the Principal Secretary,
Revenue Department,
Secretariat, 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 that land to an extent of Ac.5-14 guntas in Sy.Nos.27, 28 and 29 of Meenapalli Kalan Village, Nawabpet Mandal, Vikarabad District, is a joint family property and he is entitled to half share of the said extent of land, whereas, being elder, the name of 5th respondent is reflected in the revenue records. Petitioner claims that on 29.01.2018, he made an application to the Tahsildar to reflect his name in the revenue records by apportioning the land, to the extent of his share as per his entitlement. Alleging that his application is not considered, this writ petition is filed.

3. Learned counsel for the petitioner contends that earlier, 5th respondent filed W.P.No.23914 of 2019. This Court disposed of the writ petition directing the respondents therein to consider the application submitted by petitioner therein, for issuance of pattadar pass books. Petitioner seeks similar direction, as he is the brother of petitioner in W.P.No.23914 of 2019, who is the 5th respondent herein.

4. Learned counsel for the petitioner fairly admits that in the revenue records, the name of 5th respondent is reflected and he was also issued pattadar pass books and title deeds. Therefore, his claim is entirely different. If petitioner is having grievance

against his brother in not allocating the land as per his entitlement in the joint family property, he has to work out his remedies, as available in law. He can not ask the Tahsildar to undertake the job of partition of the property. The Tahsildar can only record the settlement that may have been arrived at by the parties or both parties go before the Tahsildar, requesting for apportionment of land as per the settlement or decree if any is passed by the competent Court. Thus, the relief sought in the writ petition cannot be granted.

5. Accordingly, 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

9th December, 2019
Rds

