

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27371 OF 2019

DATED : 18.12.2019

Between :

Smt Zaheeda Naseem W/o.M.A.Hameed,
Aged about 48 yrs, Occu : Govt. Teacher,
R/o.Khammam District & others.

.. Petitioners

And

The State of Telangana,
Rep., by its Secretary,
Revenue Department, Secretariat Buildings,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 4 and Sri V.Venkata Mayur, learned counsel for the 5th respondent.

2. According to petitioners their grand father, Sri Mohd. Mahamood Ali was the original pattadar of lands to an extent of Ac.2-08 guntas in Sy.No.382 and Ac.0-36 ½ guntas in Sy.No.49 of Dirsinacherla Village, Nereducherla Mandal, Suryapet District. According to petitioners in the family settlement between their father and 5th respondent, the above extents of land have fallen to the share of their father. Petitioners allege that taking advantage of the absence of their father in the village, the 5th respondent fabricated the documents and got his name mutated in the revenue records and also fabricated the pattadar pass books. The 5th respondent filed O.S.No.216 of 2016 alleging interference by the father of petitioners; sought for grant of injunction and subsequently, the suit was withdrawn.

3. Having come to know that erroneously, the entries were corrected in the revenue records, the father of petitioners filed application before the Tahsildar-4th respondent, to rectify the mistake by cancelling the earlier mutation granted in favour of 5th respondent. Alleging that the 4th respondent refused to receive the application, petitioners preferred appeal before the Revenue Divisional Officer-3rd respondent. By order dated 15.03.2018, the 3rd respondent allowed the Appeal No.D2/939/2017 canceling the pattadar pass books and title deeds and entries made in the

revenue records and the matter was remanded to Tahsildar for enquiry afresh and issue pattadar pass books and title deeds, as per the Telangana Rights in Land and Pattadar Pass Books Act, 1971. Aggrieved thereby, the 5th respondent preferred Revision before the Joint Collector. By the order impugned, the Joint Collector reversed the decision of 3rd respondent and ordered for restoration of entries in the revenue records.

4. Though extensive submissions are made, having regard to the issue involved in the writ petition, learned counsels, on instructions, from the respective parties, have agreed for remitting the matter to Tahsildar and for consideration of the issue afresh after affording due opportunity to the respective parties on the claim of mutation of their names in the revenue records on the above extents of land.

5. In view thereof, the order of Joint Collector is set aside and in accordance with the order passed by the Revenue Divisional Officer, the matter is remitted to the Tahsildar, for consideration of the issue with reference to mutation of names in the revenue records, in the place of Mohd. Mahamood Ali, on the above extents of land and decide the issue after affording due opportunity to the respective parties. The entire exercise shall be completed within a period of six weeks from the date of receipt of copy of this order. Till the issue is decided, the parties are directed to maintain status-quo obtaining as on today, in all respects.

6. With the above directions, the Writ Petition is allowed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

18th December, 2019
Rds