

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.440 OF 2020

ORDER:

The present Writ Petition is filed questioning the action of the 5th respondent in not registering the complaint of the petitioner dated 16.10.2019 and the refusal dated 03.12.2019 whereby the petitioner has been informed through Short Message Services (SMS) of disposing the complaint of the petitioner as civil in nature, as being illegal, arbitrary with consequential direction to the 5th respondent to register a case against the 6th respondent and to conduct enquiry therein.

Heard Sri V. Ganesh Bhujanga Rao, learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

Learned Assistant Government Pleader for Home, on written instructions dated 07.01.2020, submits that the complaint made by the petitioner on 26.10.2019 relates to issuance of an endorsement by the 6th respondent in discharge of her official functions as Tahsildar of Nagireddipet Mandal. Learned Assistant Government Pleader for Home submits that the 5th respondent authority on receipt of the complaint from the petitioner, made a G.D. entry and as the contents of the complaint revealed that the matter relates to the endorsement issued by the 6th respondent in discharge of her official duties/functions, which cannot be gone into by the 5th respondent authority, informed the petitioner that the complaint given by him is disposed as civil in nature.

It is to be seen that the petitioner had made a complaint to the 5th respondent against the 6th respondent, with regard to non-

issue of pattadar pass book in respect of the land situated in Sy. No.30/11 of Jalalpur village shivar of Nagireddipet Mandal, through phone in programme. Based on the request made by the petitioner in the said programme, it appears that the 6th respondent after causing verification has issued an endorsement on 30.07.2019, whereby it was observed that the petitioner did not possess any land in Jalalpur village shivar and on account of family settlement, the lands in the village have vested with the brother of the petitioner. The aforesaid endorsement issued by the 6th respondent, also mentions that if any party has any objection to the said endorsement issued, an appeal can be made to the higher authority viz., the Revenue Divisional Officer. The petitioner instead of making such an appeal, if aggrieved by the action of the 6th respondent, on the other hand, chose to make a complaint before the 5th respondent authority against the 6th respondent and in furtherance thereto has filed the present Writ Petition before this Court questioning the action of the 5th respondent in not registering the case against the 6th respondent.

It is to be seen that the impugned proceeding issued by the 6th respondent is an appealable proceeding and if the petitioner is really aggrieved by the action of the 6th respondent, the petitioner ought to have filed an appeal to the authority as mentioned in the said proceeding. The petitioner, on the other hand, knowing the short comings in his case has instead of approaching the higher authority by filing an appeal has resorted to making a complaint to the 5th respondent against the 6th respondent, so as to coerce the 6th respondent. It is also to be seen that in respect of the acts done by the authorities in discharge of their official functions,

there is a bar of filing of a suit under the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

It is also to be seen that the issue complained by the petitioner in the complaint made to the 5th respondent relates to the endorsement made by the 6th respondent under the provisions of the Revenue Laws relating to the issue of Pattadar Pass Books. The 5th respondent authority is not the competent authority who can look into or adjudicate into correctness or otherwise of the action taken by the 6th respondent authority. Further, as stated hereinabove, the provisions of the legislations governing the matters relating to land being comprehensive enactments providing for appellate remedies thereunder, it is not open for the authorities other than those who are empowered under the said enactments to act upon or entertain complaints of the present nature. Thus, no infirmity can be found that in the action of the 5th respondent in issuing the communication dated 03.12.2019 in referring the complaint made by the petitioner as civil in nature. Thus, the Writ Petition is devoid of merit and is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE T.VINOD KUMAR

Date: 22.01.2020.

MRKR