

High Court for the State of Telangana

The Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.A. No. 41 of 2020

Date: 09-01-2020

Between:

Ganta Satyanarayana Reddy

...Appellant

and

Ganta Buchiram Reddy rep. by GPA Holder
Vasam Venkateswarlu and 4 others

...Respondents

**Counsel for the appellant: Mr. J. Prabhakar
for Mr. J. Venkateswar Reddy**

**Counsel for the respondents: Mr. Vedula Venkataramana,
Senior Counsel
GP for Revenue**

The Court made the following:

Judgment: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The appellant has challenged the legality of the order dated 30-12-2019, passed by a learned Single Judge, in I.A. No. 1 of 2019 in W.P. No. 28878 of 2019, whereby the learned Single Judge has directed the Tahsildar, Khila Warangal, Warangal Urban District, the respondent No. 1 in the writ petition, “*to act upon the representation of the petitioner for restoration of his name in the revenue records, in accordance with law, within a period of four weeks from the date of receipt of copy of this order*”.

The learned counsel for the appellant submits that the appellant is respondent No. 5 in the writ petition before the learned Single Judge. Since the learned Single Judge has used the words “*to act upon*”, the Tahsildar is of the opinion that he is required to allow the representation submitted by the petitioner (respondent No. 2 herein). However, according to the learned counsel for the appellant, such an interpretation of the words “*to act upon*” is highly misplaced. However, due to the interpretation being given by the Tahsildar to the said words, the appellant has a *bona fide* belief that in fact, the Tahsildar would allow the representation filed by the petitioner. Therefore, the learned counsel submits that even if the impugned order is not being set aside by this Court, atleast a clarification of the words “*to act upon*” should be given by this Court.

The position being taken by the learned counsel for the appellant has not been challenged by the respondents.

Therefore, this Court clarifies that the words “*to act upon*” shall not be taken as a positive direction issued by the learned Single Judge to allow the representation filed by the petitioner. Since the words “*to act upon*” are also coupled with the words “*in accordance with law*”, it is a clear indication that the learned Single Judge merely wanted the Tahsildar to consider the representation of the petitioner in accordance with law. Therefore, the Tahsildar is directed to merely consider the representation filed by the petitioner, and that too, strictly in accordance with law.

With this clarification, the appeal stands disposed of.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 9th January, 2020
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