

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT PETITION No.3418 of 2020**

**ORDER :**

This writ petition is filed challenging the endorsement No.G/215/2020, dated 29-01-2020, wherein and whereby the application filed by the petitioner for mutation of his name in revenue records in respect of land admeasuring Ac.0-10 guntas in Sy.No.1 of Solipur Village, Farooqnagar Mandal was rejected on the ground that the subject land is in possession of Grampanchayat.

It is the case of the petitioner that originally one Alwal Reddy S/o.Ramakrishna Reddy was the owner and pattadar of land in Sy.No.1 having total extent of Ac.5-24 guntas situated at Solipur Village, Farooqnagar Mandal within the jurisdiction of Shadnagar Municipality, Ranga Reddy District (formerly Mahabubnagar District). Out of total extent, Ac.3-10 guntas was acquired by the Government for providing house sites to weaker sections. The original pattadar has also alienated an extent of Ac.2-00 guntas in favour of one Mangalli Pentaiah and out of the balance extent, an extent of Ac.0-04 guntas was given in favour of Panchayat Samithi, Shadnagar towards gift for construction of a school building through registered document No.678/1984. The remaining extent of Ac.0-10 guntas was purchased by the petitioner through registered sale deed document

No.10875/2007 and since then he is in possession of the same. The petitioner has made an application on 28-08-2019 to the Tahsildar, Farooquangar Mandal to incorporate his name in revenue records and also to issue pattadar passbook. But the impugned endorsement is passed rejecting the application of the petitioner on the ground that the said land is in possession of Grampanchayat.

Learned counsel for the petitioner submits that rejection is without issuing notice to the petitioner and that the Grampanchayat is not in possession of subject land, since Solipur village where subject land is situated, was merged with Shadnagar Municipality and said municipality formed more than last seven years ago. Therefore, the possession of the subject land by the Grampanchayat does not arise.

Heard learned Assistant Government Pleader for Revenue, who, submits that the subject land is in possession of Grampanchayat and the petitioner is not in possession of the same. As such, the impugned order is passed.

Heard Sri N.Praveen Kumar, learned Standing Counsel for respondent-Municipality,

Proviso to Section 5 (1) of Telangana Rights in Land and Pattadar Passbooks Act reads as under:

“ Provided that no order refusing to make an amendment in accordance with intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.

As per the above provision, no order refusing to make an amendment can be passed without giving opportunity of hearing. But in this case, a reading of the impugned order goes to show that no notice was issued to the petitioner, as such only on the sole ground of violation of principles of natural justice, the impugned order is liable to be set aside.

In view of the same, the impugned order is set aside. The 4<sup>th</sup> respondent is directed to reconsider the application of the petitioner after issuing notice to the 5<sup>th</sup> respondent in accordance with law and pass orders, accordingly.

With the above direction, the writ petition is allowed to the extent indicated above. No costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

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A. RAJASHEKER REDDY, J

19-02-2020  
Nvl

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.84 of 2019



02-01-2020  
Nvl