

HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 6797 OF 2020

Between:

1. Chinnala Kistaiah, S/o Late Rayamallu, Aged 56 years, R/o H.No.5-6-163/11/A, Narrashalapalli, Medipalli, NTPC-Jyothinagar, Ramagundam, Peddapally District
 2. Chinnala Sathalah, S/o.Late Rayamallu, Aged 54 years, R/o H.No.5-4-105, Narrashalapalli, Medipalli, NTPC-Jyothinagar, Ramagundam, Peddapally District
- ...PETITIONERS**

AND

1. The Collector, Peddapally, Peddapally District.
 2. The Revenue Divisional Officer, Peddapally, Peddapally District
 3. The Tahsildar, Ramagundam, Peddapally District
 4. Eerla Papaiah, S/o.Ramaiah, Aged 60 years, R/o H.No.5-4-109, Narrashalapalli, Medipalli, NTPC-Jyothinagar, Ramagundam, Peddapally District
 5. Eerla Rajaiah, S/o.Ramaiah, Aged 57 years, R/o H.No.5-4-109, Narrashalapalli, Medipalli, NTPC-Jyothinagar, Ramagundam, Peddapally District
- ...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare inaction on the part of the 1st respondent in taking steps to examine and consider the interim relief of granting staying of all further proceedings of the impugned proceedings Ref. No.B2/2186/2017 dated 18/02/2020 of the 2nd respondent as illegal, arbitrary and contrary to statutory provisions and consequently direct the 1st respondent to examine, consider and pass necessary orders / directions staying all further proceedings of the impugned proceedings Ref. No. B2/2186/2017 dated 18/02/2020 of the 2nd respondent till the disposal of the Revision Petition.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned proceedings Ref. No.B2/2186/2017 dated 18/02/2020 of the 2nd respondent duly directing the respondent to examine, consider and pass necessary orders / directions staying all further proceedings of the impugned proceedings Ref. No. B2/2186/2017 dated 18/02/2020 of the 2nd respondent till the disposal of the Revision Petition, pending disposal of Writ Petition.

Counsel for the Petitioners: SRI. K. RAM REDDY

Counsel for the Respondent Nos.1 to 3 : AGP FOR REVENUE

Counsel for the Respondent Nos.4 & 5: SRI ALLADI RAVINDER

The Court made the following: ORDER

ORDER:

Heard learned counsel for the petitioners, learned Assistant Government Pleader for respondents 1 to 3, and learned counsel appearing for private respondents 4 and 5.

The facts lie in a narrow compass. On an application made by respondents 4 and 5, the revenue entries with respect to the property in Ac.0-23½ guntas in Survey No.249/A of Medipalli village, Ramagundam Mandal, Peddapalli District, were directed to be altered by order dated 18.02.2020 by the 2nd respondent-Revenue Divisional Officer (RDO) in purported exercise of power under Section 5 of the Telangana Rights in Land and Pattadar Passbooks Act, though the same is not stated in specific terms. The grievance of the petitioners is that they filed a revision petition before the 1st respondent under Section 9 challenging the order dated 18.02.2020 passed by the RDO, and the 1st respondent is refusing to pass orders in the revision petition stating that there is a proposal to amend the law.

Having regard to the undisputed facts, the exercise of power by the RDO by order dated 18.02.2020 directing to alter the revenue entries of subject property by substituting the names of respondents 4 and 5 in place of the earlier entries standing in the name of petitioners, after a long period of 16 years as per the petitioners, is itself illegal.

This Court, in **G. Prabhakar v. The State of Telangana**¹, held as under:

"A perusal of Sections 3 to 5 and 9 of the Act leave no manner of doubt that the Tahsildar is not vested with any powers to make corrections either *suo motu* or on an application except at the time of making entries for the first time in terms of the notification issued under Sections 3(1), 3(2) of the Act. Any corrections in relation to the entries could be made in the given circumstances satisfying Section 3(3) of the Act within one year. If the case requiring corrections of the revenue records beyond the time limit of one year, necessary orders can be passed only by the District Collector in exercise of the revisional powers and the Tahsildar is not vested with any such power."

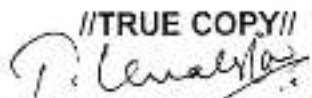
Challenge to the entries in revenue records beyond one year, except in cases falling under Sections 4 and 5 of the Act, can only be undertaken by the District Collector under Section 9 of the Act. This being the legal position, the same was lost sight of by 2nd respondent.

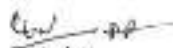
As a revision petition has already been filed before the 1st respondent by the petitioners, the 1st respondent shall consider the revision petition and pass appropriate orders thereon in accordance with law, within a period of twelve weeks of lifting of lockdown, by taking into consideration the law as declared by this Court and also keeping in view the jurisdiction issue. Pending disposal of the revision petition by the 1st respondent, the impugned order dated 18.02.2020 passed by the 2nd respondent shall stand suspended.

Subject to the above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

¹ 2015 (4) ALD 427

Sd/- SRI JUSTICE CHALLA KODANDA RAM

//TRUE COPY//

REGISTRAR (JUDICIAL)


20/5/20


SECTION OFFICER

To,

1. The Collector, Peddapally, Peddapally District.
2. The Revenue Divisional Officer, Peddapally, Peddapally District.
3. The Tahsildar, Ramagundam, Peddapally District
4. One CC to Sri K. Ram Reddy Advocate [OPUC]
5. Two CCs to the GP for Revenue, High Court for the State of Telangana at Hyderabad. (OUT)
6. One CC to Sri. Alladi Ravinder, Advocate [OPUC]
7. Two CD Copies

CHR

HIGH COURT

CKR,J

DATED:14/05/2020



ORDER

W.P.No.6797 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS