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

WEDNESDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 16677 OF 2020

Between:

Smt. Manne Yashoda, W/o Balaiah, aged about 52 years, Occ. House Hold, Byathole Village, Kandi Mandal, Sanga Reddy Dist.

...PETITIONER

AND

1. The State of Telangana, Rep by Principal Secretary, Revenue, Secretariat, Hyderabad.
2. The District Collector, Sanga Reddy District.
3. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy, Sanga Reddy District.
4. The Tahsildar, Kandi Mandal, Sanga Reddy 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 pass an order or direction, or writ more particularly one in the nature of Writ of Mandamus to declare that the endorsement issued by the 4th Respondent vide No. B/1858/2020, dated 19/06/2020 rejected the petitioner form VI (A) application, dated 10/02/2020 for correction revenue records and pattadar pass Book as extent AC. 1-00, in Sy.No.149/AA/4, instated of AC.0-35Gts situated at Byathole Village, Kandi Mandal is illegal, arbitrary, unconstitutional and contrary to the provisions of the Telangana Land Record of Rights and Pattadar Pass Book Act and Rules and set aside the same and consequently to direct 4th respondent to correction in revenue records and pattadar pass Book an extent of AC.1-00, in Sy.No.149/AA/4, instated of AC.0-35Gts, situated at Byathole Village, Kandi Mandal, Sanga Reddy District.

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 direct 4th respondent to correction in revenue records and pattadar pass Book an extent of AC.1-00, in Sy.No.149/AA/4, instated of AC.0-35Gts, situated at Byathole Village, Kandi Mandal, Sanga Reddy Dist in pending disposal of the writ petition

IA NO: 2 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 endorsement issued by the 4th Respondent vide No. B/1858/2020, dated 19/06/2020 in pending disposal of the writ petition.

Counsel for the Petitioner : SRI. N. KRISHNA

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.16677 of 2020

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein, the following prayer is made.

> **"...to pass an order or direction, or writ more particularly one in the nature of Writ of Mandamus to declare that the endorsement issued by the 4th Respondent vide No B/1858/2020, dated 19-06-2020 rejected the petitioner form VI A application, dated 10-02-2020 for correction revenue records and pattadar pass Book as extent AC.1-00 in Sy.No.149/AA/4 instated of AC.0.35 Gts situated at Byathole Village, Kandi Mandal is illegal, arbitrary, unconstitutional and contrary to the provisions of the Telangana Land Record of Rights and Pattadar Pass Book Act and Rules and set aside the same and consequently to direct 4th respondent to correction in revenue records and pattadar pass Book an extent of AC.1.00 in Sy.No.149/AA/4, instated of AC.0.35 Gts situated at Byathole Village, Kandi Mandal, Sanga Reddy Dist and pass such other order or orders..."**

2. Heard the submissions of the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for the respondents and perused the record.

3. The learned counsel for the petitioner would contend that originally, one Laxmaiah was the owner and possessor of land admeasuring Acs.4.25 guntas in Sy.No.149/AA, situated at Byathole Village, Kandi Mandal, Sanga Reddy District. After his demise, his four sons got land admeasuring Acs.1.00 guntas each. The petitioner had purchased the land admeasuring Acs.1.00 guntas from Boini Kistaiah, who is one of the sons of Laxmaiah, through a registered sale deed bearing document No.454/1995, dated 27.01.1995. Ever since the date of

purchase, the petitioner is in possession and enjoyment of the subject land. The petitioner also obtained Pattadar pass books and title deeds in respect of the said land and her name is also recorded in the revenue records. While so, the petitioner came to know through her well wishers that in the revenue records as well as Pattadar pass book, an extent of land admeasuring Ac.0.35 guntas only is shown in her name instead of Ac.1.00 guntas. Immediately, the petitioner submitted an application under Form VI(A) on 10.02.2020 to the 4th respondent/ Tahsildar, Kandi Mandal, Sanga Reddy District, for correction of extent of land in the revenue records. On that, the 4th respondent/Tahsildar issued an Endorsement, vide No.B/1858/2020, dated 19.06.2020, to the petitioner stating that the request of the petitioner cannot be considered since the vendor of the petitioner has got only Ac.0.35 guntas of land in Sy.No.149/AA/4 and accordingly rejected the request of the petitioner. The 4th respondent/Tahsildar did not consider the application of the petitioner under Form VI(A) properly and erred in rejecting the application and ultimately prayed to direct the 4th respondent/Tahsildar to correct the revenue records by showing the petitioner as the owner and possessor of land admeasuring Ac.1.00 guntas in Sy.No.149/AA/4 situated at Byathole Village, Kandi Mandal, Sanga Reddy District, instead of Ac.0.35 guntas.

4. On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondents opposed the relief sought by the petitioner and contended that the petitioner

has to challenge the Endorsement, dated 19.06.2020, issued by the 4th respondent/Tahsildar in an appeal before the appellate authority.

5. It is seen that there is inconsistency in respect of total extent of land purchased by the petitioner, in the pleadings i.e, at some places, it is written as Ac.1-06 gts and at some places it is written as Ac.1-00 gts. But as per the subject sale deed dated 27.01.1995, the petitioner has purchased an extent of Ac.1-00 gts of land in Sy.No.149/AA/4. In view of the facts and circumstances of the case, the factual aspects as to whether the vendor of the petitioner has got land admeasuring Ac.1.00 guntas or Ac.0.35 guntas and what is the extent of land standing in the name of the vendor of the petitioner in the revenue records, cannot be gone into by this Court in this writ petition filed under Article 226 of the Constitution of India. Further, an efficacious remedy is available to the petitioner to challenge the subject Endorsement, dated 19.06.2020, issued by the 4th respondent before appropriate appellate authority. Under these circumstances, it is not appropriate for this Court to grant the relief sought by the petitioner in this writ petition. The petitioner is granted liberty to workout the remedies available to her under law.

6. With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Sanga Reddy District.
3. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy, Sanga Reddy District.
4. The Tahsildar, Kandi Mandal, Sanga Reddy District.
5. One CC to Sri. N.Krishna, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

Kj.

HIGH COURT

DATED:07/10/2020



ORDER

WP.No.16677 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

(9) VLV 21/10/20