

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

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 19817 OF 2020

Between:

1. Mrs. Amina Fathima, W/o. Mr. Yavar Ali, aged 70 years, occ: house wife, R/o.H.No 5-3-867, Malakunta Road, Moazamjahi Market, Hyderabad.
2. Mrs. Patricia Hassan, W/o. Late Shah Ali Hassan, aged 71 Years, Occ: house wife R/o. 23226 West, 71 street Tershawanee Kansas, USA.
3. Ms. Shanaaz Fathima, D/o. Late Shah Ali Hassan, aged 47 Years, Occ: House wife R/o. 23226 West, 71 street Tershawanee Kansas, USA.
4. Ms. Alia Fathima, D/o. Late Shah Ali Hassan, aged 35 Years, Occ: House wife R/o. 23226 West, 71 street Tershawanee Kansas, USA. Petitioners 2 to 4 rep. by GPA holder Mr. Mir Fazle Ali Adil, S/o. Mr. Mir Yavar Ali, aged 45 Years, Occ: Business R/o. H.No 5-3-867, Malakunta Road, Moazamjahi Market, Hyderabad.

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Development Department, Secretariat, Hyderabad.
2. The District Collector, Vikarabad District.
3. The Revenue Divisional Officer, Vikarabad.
4. The Tahsildar, Dharoor Mandal, Vikarabad 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 order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents more particularly that of the 4th respondent in not updating and not including the land of the petitioners i.e., all that land admeasuring Ac.19-32 gts in Sy. No. 385/AA, 386/AA, 390/AA, 392/AA, 395/AA and 436/AA of the 1st petitioner and land admeasuring Ac 39-16Gts in Sy. No. 385/A, 386/A, 390/A, 392/A, 395/A and 436/A belongs to petitioners 2 to 4, situated at Dharoor Village and Mandal, Vikarabad District, for issuance of digitalized patta pass book, in terms of procedure contemplated under CCLA Circular No.1 ref No. CMRO/342/17, dated 09/09/2017, without any notice or without any enquiry and not considering the representations date 17/09/2019 and 13/10/2020 as being arbitrary, Illegal, violative of Principles of Natural Justice and Art. 14, 19, 21 and 300-A of Constitution of India and against the provisions of T.S Land in Pattadar Passbook and Title Deed Act, 1971 and consequently direct the 4th respondent to update the revenue records and issue digitalized patta pass books in favour of petitioners i.e land admeasuring Ac.19-32 gts in Sy. No. 385/AA, 386/AA, 390/AA, 392/AA, 395/AA and 436/AA situated at Dharoor Village Dharoor Mandal, Vikarabad District in favour of the 1st petitioner and land admeasuring Ac 39-16Gts in Sy. No. 385/A, 386/A, 390/A, 392/A, 395/A and 436/A situated at Dharoor Village Dharoor Mandal, Vikarabad District in favour of the petitioners 2 to 4 and to grant

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 the 4th respondent to consider the representation dated 17/09/2019 and 13/10/2020 of the petitioners, to update the revenue records and for issuance of digitalized patta pass books in favour of petitioners in respect of the petitioners land i.e all that the land admeasuring Ac.19-32 gts in Sy. No. 385/AA, 386/AA, 390/AA, 392/AA, 395/AA and 436/AA situated at Dharoor Village Dharoor Mandal, Vikarabad District in favour of 1st petitioner and land admeasuring Ac 39-16Gts in Sy. No. 385/A, 386/A, 390/A, 392/A, 395/A and 436/A situated at Dharoor Village Dharoor Mandal, Vikarabad District in favour of the petitioners 2 to 4, pending disposal of the Writ Petition

Counsel for the Petitioner: SRI G.THIRUPATHI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.19817 OF 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India is filed by the petitioners, wherein the following prayer is made:

"... to issue order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents more particularly that of the 4th respondent in not updating and not including the land of the petitioners i.e., all that land admeasuring Ac.19-32 gts in Sy.No.385/AA, 386/AA, 390/AA, 392/AA, 395/AA & 436/AA of the 1st petitioner and land admeasuring Ac 39-16Gts in Sy. No. 385/A, 386/A, 390/A, 392/A, 395/A & 436/A belongs to petitioners 2 to 4, situated at Dharoor Village and Mandal, Vikarabad District, for issuance of digitalized patta pass book, in terms of procedure contemplated under CCLA Circular No. 1 ref No. CMRO/342/17, dated 09.09.2017, without any notice or without any enquiry and not considering the representations date 17.09.2019 and 13.10.2020 as being arbitrary, Illegal, violative of Principles of Natural Justice and Art. 14, 19, 21 and 300-A of Constitution of India and against the provisions of T.S Land In Pattadar Passbook and Title Deed Act, 1971 and consequently direct the 4th respondent to update the revenue records and issue digitalized patta pass books in favour of petitioners i.e land admeasuring Ac. 19-32 gts in Sy. No. 385/AA, 386/AA, 390/AA, 392/AA, 395/AA & 436/AA situated at Dharoor Village Dharoor Mandal, Vikarabad District in favour of the 1st petitioner and land admeasuring Ac 39-16Gts in Sy. No. 385/A, 386/A, 390/A, 392/A, 395/A and 436/A situated at Dharoor Village Dharoor Mandal, Vikarabad District in favour of the petitioners 2 to 4 and to grant such other relief or reliefs ..."

2. Heard the learned counsel for both sides and perused the record.

3. The material placed on record and the submissions made on behalf of the petitioners reveal that petitioner No.1 is the absolute owner and possessor of land admeasuring Ac.19-32 gts. in Survey Nos.385/AA, 386/AA, 390/AA, 392/AA, 395/AA and 436/AA and petitioner Nos.2 to 4 are the owners and possessors of land admeasuring Ac.39-16 gts. in Survey Nos.385/A, 396/A, 390/A, 392/A, 395/A and 436/A situated at Dharoor Village and Mandal, Vikarabad District, having succeeded the same by way of inheritance. Petitioner Nos.2 to 4 acquired the property from their father, Shah Ali Hassan, who died on 28.08.2016. Respondent No.4-Tahsildar, Dharoor Mandal, vide proceedings, dated 18.04.1994, ordered to incorporate the name of petitioner No.1 and late Shah Ali Hassan, father of petitioner Nos.2 to 4, in the revenue records by deleting the name of the ancestor of the petitioners. Respondent No.4-Tahsildar also issued pattadar pass books and title deeds in favour of petitioner No.1 and late Shah Ali Hassan in respect of the subject lands. Form 1-B also reflects their names in respect of the subject lands. Their names were reflected in the revenue records till 2017 and thereafter, there is omission with regard to the entries in the revenue records in respect of the subject lands. The petitioners neither alienated nor conveyed the subject lands in any manner whatsoever to any person. Therefore, petitioner No.1 made representations, dated 17.09.2019 and 13.10.2020, before the respondent

authorities seeking to issue new pattadar pass books in respect of the subject lands, but till date, no action has been taken on the said representations and ultimately, prayed to grant the relief sought for in this Writ Petition, as Indicated above.

4. There is no dispute with regard to the filing of representations, dated 17.09.2019 and 13.10.2020, by petitioner No.1. Admittedly, no action has been taken on the said representations so far. Much time has been elapsed. By this time, the respondent authorities ought to have disposed of the said representations.

5. Under these circumstances, respondent No.4-Tahsildar, Dharoor Mandal, Vikarabad District, is directed to examine and dispose of the representations, dated 17.09.2019 and 13.10.2020, submitted by petitioner No.1, in accordance with law, within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above directions, 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/- R.KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Tahsildar, Dharoor Mandal, Vikarabad District.
2. One CC to Sri G.Thirupathi Reddy, Advocate [OPUC]
3. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

Kj.



HIGH COURT

DATED:31/12/2020



ORDER

WP.No.19817 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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H. K. A.
16/01/2021