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

THURSDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 21215 OF 2020

Between:

Good Fruit Ministries (Trust), rep through its President Sangameshwar Village, Domakonda Mandal, Kamareddy District.

...PETITIONER

AND

1. The State of Telangana, rep through its Principal Secretary Revenue Department, Secretariat, Hyderabad
2. The District Collector, Kamareddy District, Kamareddy.
3. The Revenue Divisional Officer, Kamareddy.
4. The Tahsildar, Domakonda Mandal, Kamareddy 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 writ order or direction more particularly one in the nature of Writ of "Mandamus" declaring the action of the 3rd respondent in rejecting the request of the petitioner by an endorsement dated 11-05-2020 for conversion of its land admeasuring 404 Sq.Yards situated in Sy.No.936 at Sangameshwar Village, Domakonda Mandal under NALA Act for using the same for non agricultural purposes as illegal, arbitrary, unjust, contrary to law and Unconstitutional and set aside the same and consequently direct the respondent No.3 to convert the Petitioner land admeasuring 404 Sq.Yards situated in Sy.No.936 at Sangameshwar Village, Domakonda Mandal under NALA Act for using the same for non agricultural purposes in the interest of justice.

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 operation of the endorsement order dated 11/05/2020 passed by the 3rd respondent pending disposal of the above writ petition.

Counsel for the Petitioner: SRI D. RAMAKRISHNA
Counsel for the Respondents: GP FOR REVENUE
The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.21215 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 issue writ order or direction more particularly one in the nature of Writ of "Mandamus" declaring the action of the 3rd respondent in rejecting the request of the petitioner by an endorsement dated 11-05-2020 for conversion of its land admeasuring 404 Sq. Yards situated in Sy.No.936 at Sangameshwar Village, Domakonda Mandal under NALA Act for using the same for non agricultural purposes as illegal, arbitrary, unjust, contrary to law and Unconstitutional and set aside the same and consequently direct the respondent No.3 to convert the Petitioner land admeasuring 404 Sq. Yards situated in Sy. No.936 at Sangameshwar Village, Domakonda Mandal under NALA Act for using the same for non agricultural purposes in the interest of justice and pass such other order or orders ..."

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

3. Learned counsel for the petitioner would submit that land admeasuring 404.33 Square Yards in Survey No.936 situated at Sangameshwar Village, Domakonda Mandal, was gifted to the petitioner society vide Gift Deed bearing No.1294/2016, dated 09.01.2016, and since the date of execution of the said Gift Deed, the petitioner society is in possession of the subject land. The petitioner society submitted an application, dated 20.03.2019, before respondent No.3-Revenue Divisional Officer,

Kamareddy, seeking to convert the subject land into a non-agricultural land. Respondent No.3-Revenue Divisional Officer vide the impugned Endorsement, dated 11.05.2020, without assigning reasons, simply rejected the said application submitted by the petitioner. The impugned Endorsement, dated 11.05.2020, is bereft of reasons and ultimately, prayed to set aside the same.

4. The impugned Endorsement, dated 11.05.2020, issued by respondent No.3-Revenue Divisional Officer, Kamareddy, reads as follows:

> "As the report received from tahsildar the said sy.no 936 is in dispute hence reject"

5. Before proceeding further, it is apt to mention here that the principles of natural justice are multi-dimensional in their application. The Courts have applied different facets of the principles of natural justice while exercising the powers of judicial review. A new dimension has been added to the principles of natural justice, namely, that every quasi-judicial authority and every tribunal must not only record reasons in support of the order they make, but such reasons should be communicated to the affected party. The requirement of recording of reasons and communication thereof has to be read as an integral part of the concept of fair procedure. The necessity of giving reasons flows from the concept of rule of law, which constitutes one of the corner stones of our constitutional set up. The administrative authorities charged with the duty to act judicially, cannot decide the matters mechanically or on

considerations of policy or expediency. The requirement of recording reasons by such authorities is an important safeguard to ensure observance of the rule of law. Recording reasons in an order not only gives clarity, acts as a check for extraneous or irrelevant considerations and minimises arbitrariness in the decision making process. Another crucial reason which makes it imperative for the quasi-judicial authorities to give reasons in the orders they make is that their orders are subject to judicial review not only by way of departmental appeals and revisions, but also by way of writ petitions under Article 226 of the Constitution of India. The High Courts and the Hon'ble Supreme Court have the powers to issue Writ of Certiorari to quash the decision of the quasi-judicial authorities and this power can be effectively exercised only if the impugned order contains reasons. If the order is bereft of reasons, the Courts cannot examine the correctness of the order under challenge.

6. In the instant case, a plain reading of the impugned Endorsement makes it clear that it is cryptic and bereft of reasons. Admittedly, no reasons are assigned by respondent No.3-Revenue Divisional Officer while rejecting the application of the petitioner. Respondent No.3-Revenue Divisional Officer simply held that the subject Survey No.936 is in dispute and hence, rejected. The learned Revenue Divisional Officer ought to have given full details of the dispute with regard to land in Sy.No.936 and assigned elaborate reasons in not acceding the request of the petitioner.

7. For the aforementioned reasons, the impugned Endorsement, dated 11.05.2020, issued by respondent No.3-Revenue Divisional Officer, Kamareddy, is set aside. The matter is remitted to respondent No.3-Revenue Divisional Officer to dispose of the same afresh, assigning reasons and strictly in accordance with law. The said exercise shall be completed within a period of two (02) months from the date of receipt of a copy of this order.

8. With the above directions, the 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 Department, State of Telangana, Secretariat, Hyderabad
2. The District Collector, Kamareddy District, Kamareddy.
3. The Revenue Divisional Officer, Kamareddy.
4. The Tahsildar, Domakonda Mandal, Kamareddy District.
5. One CC to Sri D. Ramakrishna, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

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HIGH COURT

DATED:17/12/2020



ORDER

WP.No.21215 of 2020

DISPOSING OF THE WP

WITHOUT COSTS