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

MONDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 21479 OF 2020

Between:

1. Akula Balchandraiah, S/o. Akula Vankatramulu, Aged about 56 years, Occ.Agriculture, Lalkota Village, Chinna Chinthala Kunat Mandal, Mahabubnagar District, Telangana State.
2. Akula Sathyanna, S/o. Akula Vankatramulu, Aged about 56 years, Occ.Agriculture, Lalkota Village, Chinna Chinthala Kunta Mandal, Mahabubnagar District, Telangana State.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, Telangana State.
2. The Collector, Mahabubnagar District, Telangana State.
3. The Revenue Division Officer, Mahebubnagar, Mahabubnagar District, Telangana State.
4. The Tahasildhar, Chinna Chinthakunta Mandal, Mahabubnagar, Mahabubnagar District, Telangana State.

...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 a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents in not considering representation submitted by the petitioners on 26/09/2020 for mutating the names in Revenue Records and for the issuance of the Pattadar Passbooks in the place of old Pattadar passbooks of the land in survey Nos. 16/E and 14/EE admeasuring AC. 1-39 guntas situated at Lalkota Village, Chinna ChinthalaKunta Mandal, Mahabubnagar District, Telangana State, is illegal, arbitrary, unconstitutional, contrary to law and against the principals of natural justice and consequently direct the Respondents to consider the Representation submitted by the petitioners on 26-09-2020 for mutating the petitioners name in the Revenue records and issuance of the Pattadar passbooks in the place old pattadar passbooks for the land in survey no.s.16/E and 14/EE admeasuring AC. 1-39 guntas situated at Lalkota Village, Chinna ChinthalaKunta Mandal, Mahabubnagar District, Telangana State.

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 Respondents to consider the Representation submitted by the petitioners on 26/09/2020 for mutating the petitioners name in the Revenue records and issuance of the Pattadar passbooks in the place old pattadar passbooks for the land in survey no.s.16/E and 14/EE admeasuring AC. 1-39 guntas situated at Lalkota Village, Chinna Chinthala Kunta Mandal, Mahabubnagar District, Telangana State, pending disposal of the Writ Petition.

Counsel for the Petitioners: SRI R.A. CHARY
Counsel for the Respondents: AGP FOR REVENUE
The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.21479 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 a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents in not considering representation submitted by the petitioners on 26.09.2020 for mutating the names in Revenue Records and for the issuance of the Pattadar Passbooks in the place of old Pattadar passbooks of the land in Survey Nos.16/E and 14/EE admeasuring Ac.1-39 guntas, situated at Lalkota Village, ChinnaChinthalaKunta Mandal, Mahabubnagar District, Telangana State, is illegal, arbitrary, unconstitutional, contrary to law and against the principles of natural justice and consequently direct the Respondents to consider the Representation submitted by the petitioners on 26-09-2020 for mutating the petitioners name in the Revenue records and issuance of the Pattadar passbooks in the place old pattadar passbooks for the land in Survey Nos.16/E and 14/EE admeasuring Ac.1-39 guntas situated at Lalkota Village, ChinnaChinthalaKunta Mandal, Mahabubnagar District, Telangana State and pass such other order or oders..."**

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for respondents and perused the record.

3. The learned counsel for the petitioners would submit that petitioners are the owners and possessors of agricultural land admeasuring Ac.1-39 gts in Sy.Nos.16/E and 14/EE situated at Lalkota Village, Chinna Chinthakunta Mandal, Mahabubnagar District, having acquired the same from their father-late Akula Venkatramulu. It is further submitted that the name of the petitioners' father was recorded in the revenue records and was also issued pattadar passbook and title deed in respect of the subject land. After the demise of their father, the petitioners

submitted representation dated 26.09.2020 before the respondent No.4-Tahsildar, seeking to mutate their name and issue new pattadar passbooks in respect of the subject land but so far no action has been taken on the said representation and ultimately prayed to grant the relief as indicated above.

4. On the other hand, learned Assistant Government Pleader for Revenue would submit that there is a dispute with regard to the subject land. Furthermore, in view of repeal of old Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short "Act, 1971") and enactment of new Telangana Rights in Land and Pattadar Pass Books Act, 2020 (Act 7 of 2020) (for short "Act, 2020") by the Government of Telangana, the petitioner is required to follow the procedure contemplated under Section 6 of the said Act for effecting any changes in the record of rights.

5. The material papers filed before this Court i.e, copy of pattadar passbook as well as pahanies, reveal the name of the petitioners' father-Akula Venkatramulu, as owner and possessor of lands admeasuring Ac.0.09 gts in Sy.No.14/EE and Ac.1-30 gts in Sy.No.16/E, total admeasuring Ac.1-39gts, situated at Lalkota Village, Chinna Chinthakunta Mandal, Mahabubnagar District. Admittedly, the petitioners submitted application dated 26.09.2020 under the old Act, 1971. In view of repeal of old Act, 1971 and enactment of new Act, 2020 on 19.09.2020, the petitioners ought to have filed an application under Section 6 of the new Act, 2020 for effecting any changes in the revenue records.

6. Under these circumstances, the petitioners are directed to file fresh application complying the requirements under Section 6 of the Telangana Rights in Land and Pattadar Pass Books Act, 2020, within fifteen (15) days from the date of receipt of a copy of this order. On filing such application, the respondent No.4-Tahsildar, Chinna Chinthakunta Mandal, Mahabubnagar District, is directed to examine and dispose of the same, in accordance with law, expeditiously.

7. 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/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad, Telangana State.
2. The Collector, Mahabubnagar District, Telangana State.
3. The Revenue Division Officer, Mahabubnagar, Mahabubnagar District, Telangana State.
4. The Tahasildhar, Chinna Chinthakunta Mandal, Mahabubnagar, Mahabubnagar District, Telangana State.
5. One CC to Sri. R.A. Chary, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies

Prk

HIGH COURT

DATED:07/12/2020



ORDER

WP.No.21479 of 2020

Disposing of the WP.
without costs.

15/12/2020