

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

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

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 23773 OF 2020

Between:

Smt. Saini Sasikala alias Mamilla Uma Rani, W/o. Late Ashok Kumar D/o. Late Narsinga Rao, aged 45 years, Occupation, Housewife R/o. H.No. 22-2-61 Markandeya Colony Ramagundam Mandal, Peddapally District-505209 Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary, Revenue Department, Secretariat, Hyderabad, Telangana State
2. The District Collector, Peddapally District, Telangana State
3. The Revenue Divisional Officer, Peddapally Division Peddapally District Telangana State.
4. The Tahsildar, Anthergaon Mandal, Peddapally District, Telangana State.
5. Saini Rajeshwar Rao, S/o. Late Narsinga Rao, Aged. 56 years, Occupation, SCC Employee, H.No. 5-6-160/4/A, Krishna Nagar, NTPC., Jyothi Nagar, Godavarikani of Ramagundam Mandal Peddapally District.
6. Saini Sreenivas Rao, S/o. Late Narsina Rao, Aged. 46 years, Occupation, Business, R/o. H.No. 21-1-118, Chandrababu Colon). Godavarikani Ramagundam Mandal, Peddapally District, Telangana State
7. Saini Sathyanarayana Rao @Jeevan Rao, S/o. Late Narsinga Rao, Aged. 43 yrs. Occupation, Business, R/o. H. No. 1-3-41/C, Main Road, Vidhyuth Nagar, Ramagundam Mandal, Peddapally 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 in the nature of Mandamus or any other appropriate writ or writs, declaring the inaction of Respondents 2 to 4, in considering Petitioner's representations dated 01-10-2020 and 09-11-2020 and conducting enquiry and passing any orders deleting the names of the Respondents 5 to 7 in respect of agricultural land admeasuring Acres 2-04 Guntas, in Sy. No. 123/A and Acres 0-05 Guntas in Sy. No. 122, situated at Maddirala Village, of Anthergaon Mandal, Peddapally District, Telangana State, and entering the name of petitioner in all Revenue Records by cancelling the Pattadar Pass Books and Title Deeds issued in favour of Respondents 5 to 7, and issuing Pattadar Pass Books and Title Deeds in favour of petitioner, as illegal, arbitrary and unjust and violative of Articles 14 and 300A of the Constitution of India, and consequentially direct the Respondents 2 to 4 to consider the representations of the Petitioner dated 01-10-2020 and 09-11-2020 and conduct enquiry and pass orders mutating the name of the Petitioner in all Revenue Records and issue Pattadar Passbooks and title Deeds in respect of land admeasuring Acres 2-04 Guntas in Sy. No. 123/A and Acres 0-05 Guntas in Sy. No. 122, situated at Maddirala Village of Anthergaon Mandal, Peddapally 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 2 to 4, to consider the representations of the Petitioner dated 1-10-2020 and 09-11-2020, and pass orders mutating the name of the Petitioner in all Revenue Records, and issue Pattadar Pass Books and Title Deeds in favour of Petitioner in respect of Petitioner's Patta land admeasuring Acres 2-04 Guntas, in Sy. No. 123/A and Acres 0-05 (Guntas in Sy. No. 122, situated at Maddirala Village of Anthergaon Mandal, Peddapally District, Telangana State, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI B. KRISHNA KUMAR

Counsel for the Respondent Nos. 1 to 4: AGP FOR REVENUE

Counsel for the Respondent Nos. 5 to 7: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.23773 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 a Writ, Order or direction, more particularly in the nature of Mandamus or any other appropriate writ or writs, declaring the inaction of Respondents 2 to 4, in considering Petitioner's representations dated 01-10-2020 and 09-11-2020 and conducting enquiry and passing any orders deleting the names of the Respondents 5 to 7 in respect of agricultural land admeasuring Acres 2-04 Guntas, in Sy.No.123/A and Acres 0-05 Guntas in Sy.No.122, situated at Maddirala Village, of Anthergaon Mandal, Peddapally District, Telangana State, and entering the name of petitioner in all Revenue Records by cancelling the Pattadar Pass Books and Title Deeds issued in favour of Respondents 5 to 7, and issuing Pattadar Pass Books and Title Deeds in favour of petitioner, as illegal, arbitrary and unjust and violative of articles 14, and 300A of the Constitution of India, and consequentially direct the Respondents 2 to 4 to consider the representations of the Petitioner dated 01-10-2020 and 09-11-2020 and conduct enquiry and pass orders mutating the name of the Petitioner in all Revenue Records, and issue Pattadar Passbooks and title Deeds in respect of land admeasuring Acres 2-04 Guntas, in Sy. No. 123/A and Acres 0-05 Guntas in Sy. No. 122 situated at Maddirala Village, of Anthergaon Mandal, Peddapally District, Telangana State and pass such other or further orders..."

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and perused the record.

3. The learned counsel for the petitioner would submit that behind the back of the petitioner and without her knowledge, the subject land admeasuring Acs.2.04 guntas in Sy.No.123/A and Ac.0.05 guntas in Sy.No.122, situated at Maddirala Village, Anthergaon Mandal, Peddapally District, was mutated in favour of unofficial respondents herein. The petitioner is the owner and possessor of the subject land and Pattadar pass books and title

deeds were also issued in her name and her name is also reflected in the pahanies. The petitioner submitted representation, dated 01.10.2020, to the 4th respondent/Tahsildar, Anthergaon Mandal, and representations, dated 09.11.2020, to the 2nd respondent/District Collector, Peddapalli District and the 3rd respondent/Revenue Divisional Officer, Peddapalli, requesting to cancel the Pattadar pass books issued in favour of the unofficial respondents and to mutate her name in the revenue records in respect of the subject land. No action has been taken by the authorities concerned on those applications and ultimately prayed to grant the relief as indicated above.

4. On the other hand, the learned Assistant Government Pleader for Revenue would contend that the petitioner is challenging the entries in the revenue records pertaining to the year 1992-1993. The petitioner is required to challenge the same by filing an appeal before the appropriate appellate authority.

5. A perusal of the representation, dated 09.11.2020, submitted by the petitioner to the 2nd respondent/District Collector, Peddapalli District, reveals that the petitioner is challenging the entries in the revenue records pertaining to the year 1992-1993. There is no explanation from the side of the petitioner with regard to the abnormal delay in approaching this Court. It is culled out from the record that the petitioner has

raised serious dispute with regard to her title and possession over the subject land against the unofficial respondents. Those questions cannot be determined in this writ petition filed under Article 226 of the Constitution of India. It is apt to state that if, in a petition filed under Article 226 of the Constitution of India, complicated questions of fact which require a regular and full-fledged trial are involved, it is but prudent that the Court should refrain itself from entertaining such petition and relegate the party to the normal remedy to obtain redress in a suit. Under these circumstances, the petitioner is relegated to approach the competent civil Court and seek appropriate relief or challenge the mutation proceedings before the competent appellate authority.

6. With the above observation, this writ petition is dismissed.
No costs.

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

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. B. Krishna Kumar, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
3. Two C.D. Copies

Prk

HIGH COURT

DATED:31/12/2020

ORDER

WP.No.23773 of 2020



Dismissing the WP.
without costs.

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[Signature]
07/01/2021