

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1217 OF 2021

Date:01.02.2021

Between:

Smt. Indrapally Ramulamma,
W/o. Late Pichaiah, aged about
55 years, Occ: Housewife,
R/o.Keethavarigudem Village,
Garidepally Mandal, Suryapet District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.1217 OF 2021****ORDER:**

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

2. According to petitioner, Indrapally Pichaiah was the pattadar and in possession of land to an extent of Ac.1.00 in Survey No.48 of Mahankaligudem Village, Palakaveedu Mandal, Suryapet District. Said Pichaiah died on 22.07.2017. Petitioner is the wife of Pichaiah. Petitioner submitted application on 05.11.2020 in physical form to mutate her name in the revenue records. Based on the said application, the District Collector directed the Tahsildar vide his letter dated 23.11.2020 to look into the grievance and resolve the same to the extent possible. Alleging inaction, this writ petition is filed.

3. The State of Telangana notified the Telangana Rights in Land and Pattadar Passbooks Act, 2020 (for short 'the Act'), the Act 9 of 2020, repealing the Act 26 of 1971. The Act 9 of 2020 enables a person, who claims to have acquired agricultural land by any of the legal modes and in possession, to make application for mutation of his name in the revenue records by replacing the existing entries. Sections 5 to 7 deal with three different contingencies in which such a claim can be made. Section 5 enables a person to make application to carry out registration and mutate his name in the revenue records against property claimed to have been acquired by way of gift, sale, mortgage or exchange. Section 6 of the Act enables a person or persons to

make application to mutate his or their name/names on property claimed to have been acquired by way of succession/survivorship/inheritance. If there are more than one claimant, there must be consensus among all legal heirs and the manner of division of land and require to enclose joint agreement along with the application. Section 7 enables a person to make an application to mutate his name in the revenue records on property claimed to have been acquired by way of decree of Court. Act also requires that such applications have to be made through online web portal 'DHARANI' and no such request can be accepted in physical form.

4. After launching 'DHARANI' web portal, petitioner has not made any application. The prayer in the writ petition is against non-consideration of physical application made by the petitioner prior to coming into force of the Act 9 of 2020 and introduction of 'DHARANI' portal. Thus, the relief prayed in the writ petition cannot be granted. However, since petitioner claimed to have acquired right over the subject property standing in the name of her husband, it is open to the petitioner to make application through on-line web portal 'DHARANI'. On making such application, the Tahsildar concerned shall process the same as mandated by the Act and take appropriate decision as warranted by law and communicate his decision to the petitioner within a period of eight weeks from the date of such application.

5. The writ petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO, J

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