

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1504 OF 2021

Date:02.02.2021

Between:

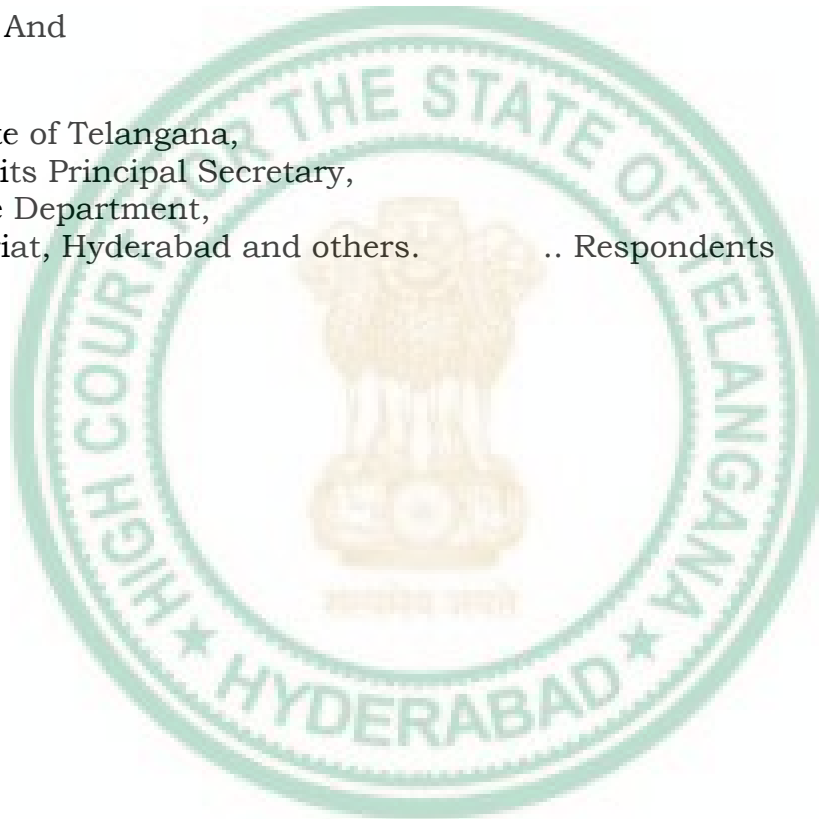
Mandla Masanna,
S/o Sayanna, aged about 60 years,
Occ:Agriculture, R/o Apparala Village,
Kothakota Mandal, Wanaparthy District
and another.

.. Petitioners

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.1504 OF 2021****ORDER:**

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 3.

2. Respondent Nos.4 to 7 herein filed Appeal No.D/335/2018, under Section 5 (5) & 5 (B) read with Rule 21 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act'), against the entries made in the revenue records concerning various extents of land in different survey numbers in Apparala Village sivar of Kothakota Mandal. Appellate authority, vide its order, dated 05.09.2020, suspended the entries and its connected pattadar passbooks of the respondents therein and directed the Sub-Registrar, Wanaparthi, and the Tahsildar, Kothakota, not to register the above lands to third parties until further orders. In this Writ Petition, petitioners are challenging the said order.

3. According to learned counsel for the petitioners, interim order was passed without notice and opportunity to the petitioners.

4. From the material placed on record, it is seen that even though appearance was entered on behalf of the petitioners by Sri K.Shashi Bhushan and team of Advocates, acknowledged by the office of the Revenue Divisional Officer, Wanaparthi, counsel was not given opportunity of hearing, while passing the interim order, passed much later to filing of the appeal.

5. In supersession of the Act 26 of 1971, the Act 9 of 2020 is promulgated by the State of Telangana. The Act does not provide for the remedy of appeal/revision against the decisions of initial authority. However, Section 16 of the Act envisages constitution of Special Tribunals to deal with pending appeals/revisions. Vide G.O.Ms.No.4, Revenue (Assignment-I) Department, dated 12.01.2021, the Government notified the Telangana Rights and Land and Pattedar Passbooks (Special Tribunals) Rules, 2021, constituting the Special Tribunal in each District. The Special Tribunal comprises of District Collector and Additional District Collector (Revenue). The Rules directed the appellate authorities/revisonal authorities to transmit the records of appeals/revisions to Special Tribunal and further directed the Special Tribunal to consider and dispose of the appeals/revisions within one month.

6. Since the appeal bearing Case No.D/335/2018 on the file of Revenue Divisional Officer, Wanaparthi, was pending, by the time Act 9 of 2020 was notified, this appeal is also liable to be transferred to Special Tribunal.

7. In pending appeal, the Revenue Divisional Officer ought not to have entertained the request for granting interim order without affording opportunity to the counsel appearing for the parties and pass such an order. *Prima facie*, the said order is not valid in law. However, to balance the equities while suspending the order of the Revenue Divisional Officer, impugned herein, pending disposal of appeal by the Special Tribunal, parties are directed not to create third party interest or change the physical features of the property

in issue till the appeal is disposed of by the Special Tribunal. The Special Tribunal is directed to secure the file from the office of Revenue Divisional Officer, Wanaparthy, and consider the appeal, as expeditiously as possible, preferably within a period of one month from the date of receipt of copy of this order, by affording due opportunity of hearing to both sides.

8. With the above direction, the Writ Petition is disposed of. No costs. Miscellaneous petitions, if any, pending shall stand closed.

2nd February, 2021

YVL

P.NAVEEN RAO, J



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