

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

WEDNESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 3117 OF 2021

Between:

Vallamkonda Srinivasulu,, S/o Late Shankaraiah, Aged about 59 years, Occ.
Business, R/o H.No. 2-2-49, Old Beet Bazar, Near Police Station, Jangaon,
Jangaon District

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department,
Secretariat, Hyderabad
2. The District Collector, Warangal Urban, Warangal
3. The Tahsildar, Fort Warangal Mandal, Warangal Urban 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 an order or orders or direction or writ more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 3rd Respondent not disposing of the application dt. 11.03.2017 for mutation and issuance of Pattadar Pass Book and Title Deed as illegal, arbitrary, malafide and abdication of duties and consequently direct the 3rd Respondent to pass appropriate orders considering the representation dt. 11.03.2017 in the interests of justice.

IA NO: 1 OF 2021

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 3rd Respondent to dispose of the application dt. 11/03/2017, pending disposal of the writ petition.

Counsel for the Petitioner: SRI K. V. BHANU PRASAD

Counsel for the Respondents: AGP FOR REVENUE

The Court at the stage of admission made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.3117 of 2021

ORDER:

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

2. Petitioner claims that he purchased Ac.4 09 guntas in survey No.768/E of Fort Warangal, Warangal District by way of registered sale deed dated 11.06.2012. Based on the land purchase made by the petitioner, on 11.03.2017 petitioner made application in Form VI-A under the Telangana Rights in Land and Pattadar passbooks Act, 1971 requesting to mutate his name in the revenue records. Petitioner submitted this application through T.S.online and T.S.online issued receipt dated 11.03.2017 acknowledging making such application. The Form VI-A application and acknowledgment given by T.S. online are filed from Page Nos 8 to 10 of writ petition paper book. Alleging inaction on the application for mutation, this writ petition is filed.

3. According to learned Assistant Government Pleader, survey No.768 consists of larger extent of land including ceiling surplus land. After excluding surplus land, original pattadar Sri Komuriah sold the remaining land long back before the execution of the sale deed in favour of petitioner and no land was left in the possession of original pattadar by the time of sale transaction made with the petitioner.

4. What is contended by learned Assistant Government Pleader may be true. But the fact remains that mutation application was submitted on 11.03.2017 and said application is not disposed of. Instructions given to learned Assistant Government Pleader could have been made part of decision of Tashidlar and communicated to

the petitioner to enable him to work out his remedies as available in law.

5. However, in supersession of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, the Act 9 of 2020 promulgated by the State Government. The Act simplified the procedure for mutation and also prescribed different procedure to request for mutation. However, the Act has not provided for consideration of pending applications for mutation, as in this case. There were several other issues which are not incorporated under the Act. Therefore, in order to redress the grievance of persons similarly situated to the petitioner on various issues arising out of mutation claims, the Chief Commissioner of Land Administration issued circular dated 15.01.2021 directing the District Collector to look into the grievance and to dispose of grievance. Paragraph No.B deals with pending mutation applications.

6. In view of the detailed instructions issued in paragraph No.B of the said circular, the District Collector-second respondent herein is directed to call for the record from the Tahsildar on the mutation application submitted by the petitioner on 11.03.2017 and examine the claim and furnish suitable reply to the petitioner by assigning reasons in support of the decision. The said decision shall be taken and communicated to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad
2. The District Collector, Warangal Urban, Warangal
3. The Tahsildar, Fort Warangal Mandal, Warangal Urban District
4. One CC to Sri K. V. Bhanu Prasad Advocate [OFUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

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HIGH COURT

DATED:17/02/2021

ORDER

WP.No.3117 of 2021



DISPOSING OF THE WP
AT THE STAGE OF ADMISSION
WITHOUT COSTS

8
2/3/21
HVD