

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

MONDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 10815 OF 2021

Between:

Kadari Yellamma, W/o. Sattaiah, Aged 46 years, Occ. Agriculture, R/o. Jalonigudem Hamlet, Akaram Village, Shaligowraram Mandal Nalgonda District.
...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The Special Tribunal, under the Telangana Rights and Land and Pattadar Passbook Act, Rep. by District Collector, Nalgonda District, Nalgonda
3. The Additional Collector, (Revenue) Cum Member of the Special Tribunal under the Telangana Rights and Land and Pattadar Passbook Act, Nalgonda District, Nalgonda.
4. The Tahsildar, Shaligowraram Mandal, Nalgonda District.
5. Mr. Chiluka Lingaiah, S/o. Buchaiah, Aged Major, R/o. Akaram Village, Shaligowraram Mandal, Nalgonda 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 a Writ or Order or Direction more in the nature of the Writ of Mandamus by declaring the action of the Respondents No. 2 and 3 in issuing the orders in New Case No. F2/Spl Tribunal/1742/2021 dated 08/02/2021 is violation of principal of natural justice and is illegal, arbitrary and contrary to the Telangana Rights in Land and Pattadar Pass Books Act, 2020 consequently direct the Respondents to issue Digital Pattadar Passbooks and Title Deeds in favour of the petitioner and her family members in respect of the land totally admeasuring to Ac. 5.00 of Sy. No. 67, 68 and 69 situated at Akaram Village, Shaligowraram Mandal, Nalgonda District and update the same online in Digital Revenue Records

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 suspend the orders passed in New Case No. F2/Spl Tribunal/1742/2021 dated 08/02/2021 of Respondent No. 2 and 3 pending disposal of the writ petition otherwise the petitioner would be put irreparable loss and harm

Counsel for the Petitioner: SRI K. V. SUBBA REDDY

Counsel for Respondent Nos. 1 to 4: GP FOR REVENUE

Counsel for Respondent No. 5: ----

The Court made the following: ORDER

THE HON'BLE SRI JUTICE P.NAVEEN RAO

WRIT PETITION No.10815 of 2021

ORDER:

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

2. This writ petition is filed challenging the decision of the Special Tribunal constituted under Section 16 of the Telangana Rights in Land and Pattadar Passbooks Act, 2020 (Act 9 of 2020) in Old Case No.B/1742/2018 (New Case No.F2/Spl.Tribunal/1742/2021, dated 08.02.2021) disposing the appeal filed under Act 26 of 1971. The primary challenge against the order of the Special Tribunal is that before passing orders, notice was not issued and opportunity of hearing was not afforded.

3. The very issue was considered by a Division Bench of this Court in W.P. (PIL) No.20 of 2021. Taking note of the objections of not issuing notice and not affording opportunity of hearing by order dated 18.03.2021, the Division Bench issued following directions:

"4. It is therefore deemed appropriate to direct that in all cases that have been transferred from the revenue courts to the Special Tribunals notwithstanding any orders that may have been passed by the Special Tribunals, the respondents shall issue public notices calling upon parties to appear before the Special Tribunals in each district on a fixed date and time to enable them to make their submissions. Wherever a request for a personal hearing is received from parties, the orders passed by the Special Tribunals shall be deemed to be quashed and set aside. Fresh orders shall be passed by the Special Tribunals after granting a reasonable opportunity to the parties of being heard either in person or through their Advocates. They shall also be afforded a

chance to file written submissions, if not already filed. Only thereafter shall fresh orders be passed by the Special Tribunals. Adequate and wide spread publicity of this order shall be given by the State within three weeks to apprise all concerned parties of the same."

4. In terms of the said order, the aggrieved person has to verify the publication of notice as directed by the Hon'ble Division Bench and appear before the Special Tribunal on the date and time fixed in the notice. However, having regard to submissions made at the bar, in addition, petitioner is granted liberty to appear before the Special Tribunal within ten days from the date of receipt of copy of this order and submit a request for a personal hearing. She shall obtain acknowledgement of submitting such request. She shall also furnish the address for correspondence, mobile number and e-mail address (if any) in the said requisition. The Special Tribunal shall maintain record of proceedings including request made for personal hearing, as noted above. On furnishing the information by the petitioner and request made for personal hearing, the Special Tribunal shall conduct proceedings as directed by the Hon'ble Division Bench of this Court. It shall consider the matter afresh uninfluenced by the earlier order. It is open to the parties to file written submissions before the date of hearing fixed by the Special Tribunal. Learned counsel expressed concern that the Tahsildar may undertake exercise consequent to the impugned decision of Special Tribunal. It is hoped and expected that no steps be taken by the Tahsildar based on the orders of the Special Tribunal, impugned herein, till fresh orders are passed by the Special Tribunal as directed by the Division Bench and in this writ petition. It is made clear that this order is operative only if

petitioner complies with directions issued above. There is no expression of opinion on merits and the submissions and pleas of the parties are preserved.

5. The writ petition is disposed of. No costs. Miscellaneous petitions, if any, pending, stand closed.

//TRUE COPY//

Sd/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Tribunal, under the Telangana Rights and Land and Pattadar Passbook Act, Rep. by District Collector, Nalgonda District, Nalgonda
2. The Additional Collector, (Revenue) Cum Member of the Special Tribunal under the Telangana Rights and Land and Pattadar Passbook Act, Nalgonda District, Nalgonda.
3. The Tahsildar, Shaligowraram Mandal, Nalgonda District.
4. One CC to Sri K V Subba Reddy Advocate [OPUC]
5. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies

MBC

HIGH COURT

DATED: 26/04/2021



ORDER

WP.No.10815 of 2021

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

1/6/2021
AJM (8)