

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

TUESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 10948 OF 2021

Between:

Anishetty Vijaya Kumar, S/o. Kistaiah, aged 56 years, R/o H. No. 3-14-440/2,
Yadava Nagar, Durga Colony, Hanamkonda, Warangal Urban District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principle Secretary, Revenue Department, Secretariat Buildings, Near Tank Bund, Hyderabad.
2. The District Collector, Jangaon, Jangaon District.
3. The Additional District Collector, Jangaon, Jangaon District.
4. The Tahsildar, Mandal Revenue Office, Raghunath Pally Mandal, Jangaon District.
5. Bhukya Kalawathy, W/o. Sundar, 44 years, R/o. Veera Reddy Thanda, 1-1/o. Ashwarao Pally, Rahunath Pally Mandal, Jangaon 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, direction or a Writ, more in the nature of Writ of Certiorari, calling for the records in Case No. E3/684/2021, Dated. 04-02-2021 (Appeal No. 1/2490/2017 (Old Revenue Court), RDO, Jangaon), dismissing Petitioner Case, while directing me to approach the Civil Court, passed by the Special Tribunal, Nalgonda, of which, Respondent Nos.2 and 3 are members, and quash the same holding the same as illegal, arbitrary, unjust, unreasonable, and violative of Fundamental and Constitutional Rights guaranteed under Article 14, 19 and 21 of the Constitution of India.

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 Respondents not to disturb the possession of the Petitioners in respect of the land admeasuring Ac.2-23 gts situated in Sy. No. 373/A/4/B. Sy.No. 373/A/3/B. and in Sy.No. 373/A/5/B of Komalla Village, Raghunath Pally Mandal, Jangaon District, pending disposal of the Writ Petition.,

Counsel for the Petitioner : SRI M. MADHAVA REDDY

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

Counsel for the Respondent No.5:-----

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 10948 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 Case No.E3/6984/2021 dated 04.02.2021 disposing the Appeal filed under the 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 WP (PIL) No.20 of 2021. Taking note of the objections of not issuing notice and not affording opportunity of hearing by order dated 18.3.2021, 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. He shall obtain acknowledgement of submitting such request. He 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. Learned counsel for the petitioner represents that due to oversight the status of District of the Special Tribunal is typed as Nalgonda in the prayer of the writ petition, whereas the matter pertains to Jangaon district.

6. From the cause title, other pleadings and the order of the Special Tribunal it is seen that the Special Tribunal, Jangaon District only passed orders. In view thereof, the request of learned counsel for petitioner is accepted. Office is directed to carry out necessary corrections before issuing the order. No costs. Miscellaneous petitions, if any, pending, stand closed.

//TRUE COPY//

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principle Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Near Tank Bund, Hyderabad.
2. The District Collector, Jangaon, Jangaon District.
3. The Additional District Collector, Jangaon, Jangaon District.
4. The Tahsildar, Mandal Revenue Office, Raghunath Pally Mandal, Jangaon District.
5. One CC to Sri M. Madhava Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. **Two CD Copies**

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HIGH COURT

DATED:27/04/2021

ORDER

WP.No.10948 of 2021



**DISPOSING OF THE WP
WITHOUT COSTS**

ASr
1/6/2021 (9)