

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

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 11679 OF 2021

Between:

1. Sri M. Sakeerappa, S/o Late Shankarappa, aged 64 years, Occ: Agriculture, R/o Thipraspalli Village, Utnoor Mandal, Narayanpet District in erstwhile District of Mahaboobnagar.
2. Smt. M.Sayamma, W/o Late hanmanna, Aged 59 years, Occ: Agriculture, R/o Thipraspalli Village, Utnoor Mandal, Narayanpet District in erstwhile District of Mahaboobnagar.
3. Smt. Kistamma, W/o Sakeerappa, Aged 54 years, Occ: Agriculture, R/o Thipraspalli Village, Utnoor Mandal, Narayanpet District in erstwhile District of Mahaboobnagar

...PETITIONERS

AND

1. The Prl. Secretary, Revenue Dept., Government of Telangana.
2. The Spl. Tribunal, Narayanpet District, represented by its District Collector, Narayanpet, at Narayanpet.
3. The RDO-cum-Sub-Collector, Narayanpet, Narayanpet District.
4. The Tahsildhar, Mandal Revenue Office, Utkoor Mandal, Narayanpet 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 declare the orders passed by the Special Tribunal, Narayanpet District, in Appeal Case No.A/1730/2017 on 02/02/2021 null and void as it was passed without issuing notice and hearing of the petitioners after its transfer from the file of RDO-Cum-Sub-Collector, Narayanpet.

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 stay all further proceedings in pursuance of the orders passed in A/1730/2017 dated 02/02/2021 by Respondent No.2 till the disposal of main Writ Petition pending disposal of the above writ petition.

Counsel for the Petitioners: SRI. Y. LAKNA REDDY

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 11679 of 2021

ORDER:

Heard learned counsel for petitioners 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 Appeal Case No.A/1730/2017, dated 02.02.2021 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, petitioners are 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. They shall obtain acknowledgement of submitting such request. They 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 petitioners 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 petitioners comply 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/-K.VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Government of Telangana.
2. The Spl. Tribunal, Narayanpet District, represented by its District Collector, Narayanpet, at Narayanpet.
3. The RDO -cum- Sub -Collector, Narayanpet, Narayanpet District.
4. The Tahsildhar, Mandal Revenue Office, Utkoor Mandal, Narayanpet District.
5. One CC to Sri Y. Lakna Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

CHR



HIGH COURT

DATED:30/04/2021

ORDER

W.P.No.11679 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨ VLV
4/6/21