

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

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 15437 OF 2022

Between:

1. Mandava Gouthami Krishna Kumari, W/o. Seetharamabrahmam, aged about 82 Years, R/o 2208, RICHLAND AVE, Apt.9, Los Angeles, C.A. U.S.A.,
2. Kolli Lalitha Kavitha Kumari, W/o Kolli Bapalah Chowdary, aged about. 79 Yrs, Occ. Housewife R/o 1455, FAWN VALLEY Dr, Des Peres, MO, 63131, U.S.A.,

Rep. by their General Power of Attorney Holder, K. Ramesh, S/o. Pochaiah, aged about 38 years R/o H.No.318B, Prajay Sai Garden, Kundanpalli, Keesara Mandal, Medchal Malkajgiri District.

3. Y.Rajeshwari, W/o Sai Leela Prasad aged about. 62 Yrs, Occ. Housewife R/o Flat No.101, Diamond Block, Sri Sairam Manohar Apartments Pragathinagar, Yousufguda, Hyderabad
4. D. Leela Yugander Babu, S/o Sudhendra Babu aged about. 58Yrs, Occ. Business R/o 6-43, Sri Lakshminagar Colony, Dammaiguda, Keesara Mandal Medchal Malkajgiri District
5. Duggirala Balarama Krishna, S/o Venkata Ramana aged about. 32Yrs, Occ. Business R/o DBRK Street, Machavaram, Vijayawada Urban Mandal, Krishna District, Andhra Pradesh State.

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary Revenue Department, Secretariat, Hyderabad
2. The District Collector, Medchal Malkajgiri District
3. The Revenue Divisional Officer, Keesara Division, Medchal Malkajgiri District
4. The Tahsildar, Shamirpet Mandal, Medchal Malkajgiri 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 writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in not considering the petitioners applications dt.15.12.2020, 04.01.2021 and 08.03.2022 for grant of Occupancy Rights Certificate with regard to the lands to an extent Ac.145.35 cents Bommarasipet Village, Shamirpet Mandal, Medchal - Malkajgiri District is illegal, arbitrary and unconstitutional and consequently direct the 3rd respondent to consider and dispose of the petitioners applications on 15.12.2020, 04.01.2021, 08.03.2022 for grant of Occupancy Rights Certificate with regard to land to an extent Ac.145.35 cents Bommarasipet village, Shamirpet Mandal, Medchal -Malkajgiri District forthwith.

IA NO: 1 OF 2022

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 issue Occupancy Rights Certificate to the petitioners as per applications dt.15.12.2020, 04.01.2021, 08.03.2022 to an extent Ac.145.35 cents Bommarasipet village, Shamirpet Mandal, Medchal Malkajgiri District forthwith, pending disposal of above W.P.

**Counsel for the Petitioners: SRI VEDULA VENKATA RAMANA, SENIOR
COUNSEL FOR SRI. D.B. CHAITANYA**

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO.15437 OF 2022

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare the action of the third respondent in not considering the petitioner's applications dated 15.12.2020, 04.01.2021 and 08.03.2022 for grant of Occupancy Rights Certificate with regard to the lands to an extent of Acs.145.35 cents situated at Bommarasipet Village, Shamirpet Mandal, Medchal-Malkajgiri District, as illegal and arbitrary.

2. Heard Mr. Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of Mr. D. B. Chaitanya, learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

3. Mr. Vedula Venkata Ramana, learned Senior Counsel, stated that all the petitioners have made applications in Form-I prescribed under sub-Rule (2) of Rule 5 of the Telangana Inam Abolition Rules along with the copies of sale deed and partition deed to substantiate their claim for grant of Occupancy Rights Certificate in respect of the subject land in accordance with the provisions of the Telangana Inam Abolition Act, 1955 ("the Act,

1955" for brevity) read with Rule 5(2) of the Rules made thereunder.

4. The third respondent, even after lapse of sufficient time, has not initiated any action; neither commenced nor processed the applications of the petitioners on the ground that the Special Tribunals are constituted for the purpose of entertaining the land matters.

5. The Special Tribunal constituted under the Telangana Record of Rights in Land and Pattadar Pass Books Act, 2020 ("the Act, 2020" for brevity) is only for the purpose of disposal of the cases that are arising and pending under the Rights in Land and Pattadar Pass Books Act, 1971 ("the Act, 1971" for brevity) and not for disposal of the applications under the Act, 1955.

6. Learned Government Pleader, on instructions, submitted that the third respondent, through his letter in Lr.No.J/2832/2020 dated 02.01.2021, called for the report from the Tahsildar, Shameerpet, Keesara Division and the same is still awaited.

7. There is no justification for the third respondent to call for the report from the Tahsildar, Shameerpet, even before entertaining and initiating process and consideration of the applications of the petitioners.

8. Taking into consideration the facts and circumstances of the case, with the consent of both the parties, this Writ Petition is disposed of directing the third respondent to entertain the applications dated 15.12.2020, 04.10.2021 and 08.03.2021 submitted by the petitioners in Form-I and consider the same in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

//TRUE COPY//

SD/-K.SRINIVASA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Medchal Malkajgiri District
3. The Revenue Divisional Officer, Keesara Division, Medchal Malkajgiri District
4. The Tahsildar, Shamirpet Mandal, Medchal Malkajgiri District
5. One CC to Sri D.B. Chaitanya, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy

CHR
BS

4/1/22

HIGH COURT

DATED:07/04/2022

ORDER

W.P.No.15437 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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6/6/22
AVK