

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

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 21331 OF 2022

Between:

Tahera Naseem, W/o.Basheer Ahmed aged about 65 years, Occ. Household,
R/o.H.No.10-2-318/A/C/17, Indra Nagar, Vijaya Nagar Colony, Hyderabad, rep. by
her GPA Holder Mohd. Abdul Quddoos S/o.late Mohd. Abdul Rahman.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The District Collector, Nizamabad District.
3. The Revenue Divisional Officer, Nizamabad District.
4. The Tahsildar, Nizamabad South Mandal, Nizamabad 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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 4th respondent herein in not considering the representation of the petitioner dated. 22/10/2021 made for mutation by incorporating the names of the petitioner and other family members in concerned revenue records in respect of land bearing Sy.No.3270/AA/1, admeasuring Ac.0-27 Gts., situated at Nizamabad Village, Nizamabad South Mandal, Nizamabad District, as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also contrary to the provisions of Telangana Rights in Land and Pattadar Passbooks Act, 2020, and consequently direct the respondents 2 to 4 to consider the representation of the petitioner dated. 22/10/2021.

I.A.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 4th respondent to consider the representation of the petitioner dated.

22/10/2021 made for mutation by incorporating the names of the petitioner and other family members in concerned revenue records in respect of land bearing Sy.No.3270/AAJ1, admeasuring Ac.0-27 Gts., situated at Nizamabad Village, Nizamabad South Mandal, Nizamabad District, pending disposal of the writ petition.

Counsel for the Petitioner : SRI.SYED ABDUL WASAY

Counsel for the Respondents : GP FOR REVENUE

The Court made the following ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.21331 of 2022

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare the action of the 4th respondent in not considering the representation of the petitioner dated 22.10.2021 submitted by the petitioner for mutation in respect of the land admeasuring Ac.0-27 gts situated in Sy.No. 3270/AA/1 of Nizamabad Village, Nizamabad South Mandal, Nizamabad District, as illegal and arbitrary.

2. Heard the learned counsel for petitioner. Heard the learned Government Pleader for Revenue.

3. It is contended by the learned counsel for the petitioner that the mother of the petitioner herein was the original owner and pattadar of land an extent of Ac.0.39 gts situated in Sy.No.3270/AA of Nizamabad Village and Mandal and her name is also entered as pattadar in all the concerned revenue records including in Form 1-B and she was also issued pattadar pass book. Out of the said extent of Ac.0.39 gts, a portion of the same was acquired by the Government for road widening and the mother of the petitioner was paid compensation and she was

in possession of the remaining extent. After the death of petitioner's mother in the year 2018, the petitioner herein succeeded to the same and she has been in continuous possession of the same along with her family members. Further, it is contended that the other family members of the petitioner have executed a registered GPA dated 29.03.2018 in favour of the petitioner vide document No.13 of 2018. The petitioner herein submitted a representation dated 22.10.2021 to the 4th respondent seeking mutation of her name in the revenue records in respect of the subject land. However, the said representation of the petitioner is still pending consideration before the 4th respondent. Therefore, the learned counsel for the petitioner seeks indulgence of this Court to direct the 4th respondent herein to consider the said representation dated 22.10.2021 within a fixed time.

4. The learned Asst. Government Pleader on written instructions submitted that the name of Smt.Kathija Begum, W/o. Abdul Rehman who is the mother of the petitioner herein was recorded as pattadar in respect of the subject land admeasuring Ac.0.27 gts situated in Sy.No. 3270/AA/1 with Khata No. 1605 of Nizamabad Urban Village of Nizamabad

South Mandal and further submitted that as per the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 the District Collector and District Magistrate is the competent authority to mutate the lands under succession and therefore submitted that the petitioner may be directed to submit a fresh representation to the respondent No.2 so that the respondent No.2 will consider the request of the petitioner.

5. Considering the said request and taking into consideration the facts and circumstances of the case, the petitioner herein is directed to submit a fresh representation within a period of two (02) weeks from the date of receipt of copy of this order to the respondent No.2/The District Collector, Nizamabad District for mutation of her name in the revenue records in respect of the land an extent of Ac.0.27 gts situated at Nizamabad Village, Nizamabad South Mandal, Nizamabad District and on submission of such representation the respondent No.2 is directed to consider the same in accordance with law and pass appropriate orders within a period of six (06) weeks from the date of submission of such representation by the petitioner. Accordingly the Writ Petition is disposed of. There is no order as to costs.

6. The miscellaneous petitions, if any, pending shall stand closed.

SD/-K.SRINIVASA RAO

JOINT REGISTRAR


SECTION OFFICER

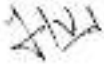
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To

1. The Principal Secretary, Revenue Department Secretariat, State of Telangana at Hyderabad.
2. The District Collector, Nizamabad District.
3. The Revenue Divisional Officer, Nizamabad District.
4. The Tahsildar, Nizamabad South Mandal, Nizamabad District.
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to SRI.SYED ABDUL WASAY, Advocate [OPUC]
7. Two CD Copies
8. One spare copy

S.A

MMA



HIGH COURT

DATED:29/04/2022

ORDER

WP.No.21331 of 2022



DISPOSING OF THE W.P
WITHOUT COSTS.

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21/6/22
HVL