

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR**

**WRIT PETITION NO.30250 OF 2022**

**ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

2. This Writ Petition is filed seeking a Writ of Certiorari to call for the records relating to impugned order in Case No.D1/458/2021 dated 01.02.2021 passed by the second respondent, under Section 16 of the Telangana Rights in Land and Pattadar Pass Books Act, 2020 ("the Act, 2020" for brevity) and declare the same as arbitrary, illegal and consequently to set aside the same.

3. The said aforesaid case came up before the Special Tribunal in terms of Section 16 of the Act, 2020, by transfer from the third respondent. In terms of Section 16 of the Act, 2020, all the appeals and revisions that are pending under the provision of ROR Act, 1977, as on the date of commencement of the Act, 2020 i.e. on the repeal of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, were directed to be transferred to the Special Tribunal constituted for the respective district for disposal in terms of Section 16 of the Act, 2020 read

with G.O.Ms.No.4 Revenue (Assignment-I) Department dated 12.02.2021.

4. Immediately after transfer of the said appeals/revisions, the Special Tribunals concerned have disposed of the said appeals/revisions without informing the parties to the appeal/revision about such transfer of the matter on to the file of the Special Tribunal and without issuing any notice to the parties to the said appeal/revision, the matters, behind the back of the parties to the appeal/revision. The impugned order in this Writ Petition is one such order passed without issuing any notice about such transfer of the appeal/revision or about the date fixed for hearing of the said appeal/revision before the Special Tribunal.

5. In the affidavit filed in support of this Writ Petition also a specific stand is taken at para No.3 that the petitioner was never put on notice nor an opportunity of hearing was ever given to him while disposing of the Case by the Special Tribunal. A perusal of the impugned order also does not show that before disposal of the same, either of the parties are put on notice or afforded an opportunity of hearing before disposal of the Appeal Case through the impugned order.

6. In the normal course, this Court would have issued notice to the unofficial respondents before deciding the matter finally. However, this is a case where the matter was disposed of by the Special Tribunal without putting either the petitioner or the unofficial respondents on notice. Even if a notice is issued by this Court before deciding the matter finally, to the unofficial respondents, no useful purpose would be served. Hence, this Court is of the considered view that it is a fit case where it can be remitted back to the Special Tribunal for fresh consideration and disposal after putting all the parties concerned on notice and affording them an opportunity of hearing.

7. In the light of the above, the impugned order passed by the Special Tribunal in Case No.D1/458/2021, dated 01.02.2021 is, hereby quashed and the matter is remitted back on to the file of the second respondent for disposal afresh on merits by duly putting all the parties concerned on notice and affording them an opportunity of hearing in accordance with law. The Special Tribunal, Vikarabad District, is further directed to dispose of the Appeal Case within a period of three (3) months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is allowed.

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

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**MUMMINENI SUDHEER KUMAR, J**

Date: 25.07.2022  
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