

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

**THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 26571 OF 2022

Between:

1. Bestha Ramulu, S/o Late Bestha Buchaiah Aged about 56 years, Occ. Agriculture,
2. Bestha Laxmaiah, S/o Late Bestha Buchaiah Aged about 51 years, Occ. Agriculture

Both are R/o Yenmangandla Village, Nawabpet Mandal, Presently Residing at Shadnagar, R.R.District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Mahaboobnagar District Mahaboobnagar.
3. The Tahsildar, Nawabpet Mandal, Mahaboobnagar 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 appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.3 in issuing the impugned Endorsement dt. 9/5/2022 directing the petitioners to approach the concerned competent authority for further necessary course of action, without assigning any reason, as being illegal, arbitrary, unjust and violative of principles of natural justice and consequently set aside the same by directing the Id respondent to take up the petition dt. 31/1/2022 and dispose of the same on merits in accordance with Law.

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 respondent No.3 herein to entertain the petition filed by the petitioners dt. 31/1/2022 U/Sec. 32 (1) of the A.P. (T.S.) Tenancy and Agriculture Lands Act, by suspending the impugned endorsement dt. 9.5.2022 issued by him, pending disposal of the main Writ Petition.

Counsel for the Petitioners: SRI KUSURI SATYANARAYANA

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.26571 of 2022

ORDER:

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for the respondents. The writ petition is disposed of at the stage of admission.

2. The application submitted by the petitioners under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Act, 1950') is refused to be entertained by the respondents on the ground that as per the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 2020 (for short, 'the Act, 2020'), the Tahsildar is not the contempt authority to conduct enquiry and pass orders. Such a reason given by respondent No.3 is wholly unsustainable and unconstitutional. The application filed by the petitioners under Section 32 of the Act, 1950 is nothing to do with the provisions of the Act, 2020. Under misconception of law, respondent No.3 appears to have issued the impugned endorsement, dated 09.05.2022.

3. In these circumstances, the impugned endorsement, dated 09.05.2022, is set aside and the matter is remitted back to respondent No.3 for consideration of the application submitted by the petitioners under Section 32 of the Act, 1950 afresh in respect of the land admeasuring Acs.16.06 guntas in Survey No.410 situated at Yenmangandla Village, Nawabpet Mandal, Mahabubnagar District, and for disposal of the same in accordance with law. Further, respondent No.3 is directed to dispose of the said application within a period of two months from the date of receipt of a copy of this order.

4. The writ petition is accordingly allowed. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Mahaboobnagar District Mahaboobnagar.
3. The Tahsildar, Nawabpet Mandal, Mahaboobnagar District
4. One CC to SRI KUSURI SATYANARAYANA, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad, [OUT]
6. Two CD Copies.
7. One Spare Copy.

MP
JM

N

HIGH COURT

DATED:23/06/2022

ORDER

WP.No.26571 of 2022



ALLOWING THE WRIT PETITION
WITHOUT COSTS

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