

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

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 27444 OF 2022

Between:

Kandi Buchi Reddy, S/o Malla Reddy, Age. 59 years, Occ. Agriculture,
R/o. H. No. 35-3-68, Gopalpur, Hanamkonda, Hanamkonda District.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Warangal District, Warangal.
3. The Revenue Divisional Officer, Warangal.
4. The Tahasildar, Warangal Mandal, Warangal 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 Respondents No. 3 and 4 in not considering the Petitioners representations dated 05/05/2022 and entertaining the third party claims vide DHARANI portal application No. 2200047664 for issuing the Patadhar Pass Book in their favour of third parties in respect of Petitioners land Ac. 1-02 gts in Sy. No. 543/B and Ac. 3-31 gts in Sy. No. 544/B situated Pidipalli Village, Warangal Mandal and District as illegal, arbitrary and against the Principles of Natural Justice and direct the Respondents No. 3 and 4 not to mutate the land of the Petitioner in favour of third parties and consequently direct the Respondents Nos. 2 and 3 to consider the Representation dated 05/05/2022 filed by the Petitioner.

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 and 4 to consider the Representations dated 05/05/2022 for not entertaining any applications for mutation of Petitioners land Ac. 1-02 gts in Sy. No. 543/B and Ac. 3-31 gts in Sy. No. 544/B situated Pidipalli Village, Warangal Mandal and District pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI P. GIRI KRISHNA
Counsel for the Respondents: GP FOR REVENUE
The Court made the following: ORDER**

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO.27444 OF 2022

ORDER:

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

2. It is the case of the petitioner that he is the absolute owner and possessor of land admeasuring Ac.1.02 gts in Survey No.543/2 and Acs.3.31 gts in Survey No.544/2 situated at Pidipalli Village, Hanamkonda Mandal and District and the said extent of land was mutated in the name of the petitioner and he was also issued pattadar pass book. The said extent of land is also updated on Dharani Portal in the name of the petitioner. It is the further case of the petitioner that in the year 2013, certain extent of land, from out of the land owned by the petitioner, was effected in road widening and he was paid compensation by the Government authorities and he has been in possession of the remaining extent of land. It is the further case of the petitioner that he came to know from the third respondent that some third parties are claiming title over the above referred property of the petitioner by virtue of a compromise decree said to have been passed in O.S.No.14 of 2016 on the file of the II Additional District Judge's Court,

Warangal, as recorded in Lok Adalat Bench at Warangal vide Lok Adalat Case No.685 of 2021 dated 06.07.2021. Having come to know about the same, the petitioner claims to have verified on Dharani Portal and the same shows that an application bearing No.2200047664 is stated to have been pending for mutation in respect of the land situated in Survey No.544/B. But, in spite of the repeated requests made by the petitioner, the respondents 3 and 4 are not furnishing any details of the said application submitted by some third parties. Under those circumstances, the petitioner herein claims to have submitted an objection petition through his representation dated 05.05.2022 before the respondents 3 and 4 but they are not entertaining the said representation on the ground that only online applications would be considered by them but not manual application. Thus, the grievance of the petitioner in this Writ Petition is that though he is the absolute owner and possessor of the land admeasuring Ac.1.02 gts in Survey No.543/2 and Acs.3.31 gts in Survey No.544/2 situated at Pidipalli Village, Hanamkonda Mandal and District, an online application submitted by some third parties for mutation is being considered by the respondents behind the back of the petitioner. Hence, learned counsel for the petitioner prays for

passing appropriate orders to direct the respondents 2 to 4 to consider the objections filed by the petitioner while considering any application including application bearing No.2200047664 for mutation or for change of entries in the revenue records/Dharani Portal and to afford an opportunity to the petitioner to put forth his objections in person.

3. A perusal of the material placed on record shows that, *prima facie*, the petitioner herein is the pattadar of the said land admeasuring Ac.1.02 gts in Survey No.543/2 and Acs.3.31 gts in Survey No.544/2 situated at Pidipalli Village, Hanamkonda Mandal and District. Hence, considering request of any third party for mutation of the subject land behind the back of the petitioner is totally impermissible and contrary to law.

4. Hence, this Writ Petition is disposed of directing the respondents 2 to 4 to take into account the objections filed by the petitioner through his representation dated 05.05.2022 and also to afford an opportunity of personal hearing to the petitioner before considering any application for mutation in respect of the subject land including application bearing No.2200047664 and pass orders thereon in accordance with law. Further, the petitioner is also given liberty to submit objections, if any, in writing by duly communicating this order

to the respondents 2 to 4 within a period of two (2) weeks 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.

SD/-N.RAJAGOPAL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Warangal District, Warangal.
3. The Revenue Divisional Officer, Warangal.
4. The Tahasildar, Warangal Mandal, Warangal District.
5. One CC to Sri P. Giri Krishna, 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

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PS



HIGH COURT

DATED:30/06/2022

ORDER

WP.No.27444 of 2022



DISPOSING OF THE WP
WITHOUT COSTS

10 VW
20/7/22