

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT APPEAL No.460 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Avancha H.Chakravarthy, learned counsel for the appellants; Mr. Parsa Ananth Nageshwar Rao, learned Government Pleader for Revenue for respondent Nos.1 to 4; and Ms. Pratyusha, learned counsel for respondent Nos.5 to 11.

2. This intra-court appeal assails the final order dated 24.02.2022 passed by the learned Single Judge disposing of Writ Petition No.9919 of 2022 filed by respondent Nos.5 to 11 as the writ petitioners.

3. Order dated 24.02.2022 reads as under:

“The grievance of the petitioners is that application submitted by them under Section 32(1) of the Telangana Tenancy and Agricultural Lands Act, 1950 is not being taken up for enquiry by the 4th respondent – Tahsildar by misconstruing the words “*land matters*” used in the Memo issued by the Chief Commissioner of Land Administration, dated 07.09.2020, *vide* CCLAs Ref.No.Assn.I(1)/463/2020, which was issued in relation

to the matters pertaining to the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

2. Learned counsel for the petitioners submits that only the matters pertaining to the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 have been relegated to the Special Tribunals and that too in respect of the matters pending before the Tahsildar, Revenue Divisional Officers and the Collectors. However, the memo, dated 07.09.2020, *vide* CCLAs Ref.No.Assn.I(1)/463/2020 does not in any manner prevent the Tahsildar or other Revenue officials to entertain and adjudicate the matters arising out of other enactments like the Telangana Tenancy and Agricultural Lands Act, 1950, the Telangana Abolition of Inams Act, 1955 etc.

3. This Court, vide order dated 17.12.2021 in W.P.No.34596 of 2021, held that the words “*land matters*” used in the memo referred to above have to be understood only with reference to the matters pertaining to the Telangana Rights in Land and Pattadar Pass Books Act, 1971, but not with regard to the matters arising under various other revenue enactments, and that the said memo does not prevent the authorities from conducting enquiry in claims/petitions submitted by the parties under the provisions of the other enactments like the Telangana Tenancy and Agricultural Lands Act, 1950, the Telangana Abolition of Inams Act, 1955 etc.

4. In view of the above, the writ petition is disposed of directing respondent No.4 to forthwith initiate enquiry pursuant to the application submitted by the petitioners under Section 32(1) of the Telangana Tenancy and Agricultural Lands Act, 1950 and pass orders within a period of three months from the date of

receipt of a copy of this order, by issuing notice to all concerned.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.”

4. Contention of learned counsel for the appellants is that though appellants were arrayed as respondents in the writ petition, no notice was issued to them before finally disposing of the writ petition. Had notice been issued, they could have contested the writ petition and could have persuaded the learned Single Judge to dismiss the writ petition as no such direction to Tahsildar, Maheshwaram Mandal, Ranga Reddy District i.e., 4th respondent is called for.

5. Be that as it may, on perusal of the order of the learned Single Judge, we find that learned Single Judge has not decided any substantive rights of the parties. All that the learned Single Judge has done is to direct respondent No.4 to initiate enquiry regarding application submitted by respondent Nos. 5 to 11 under Section 32(1) of the Telangana Tenancy and Agricultural Lands Act, 1950 and pass appropriate orders

thereon within a period of three (03) months after issuing notices to all concerned.

6. In the facts and circumstances of the case, we are not inclined to interfere with the direction issued by the learned Single Judge save and except to clarify that it would be open to the contesting parties to raise all available grounds as is permissible in law before the 4th respondent takes a decision on the application of respondent Nos.5 to 11 one way or the other.

7. This disposes of the Writ Appeal. However, there shall be no order as to costs.

8. As a sequel, miscellaneous applications pending, if any, in this Writ Appeal, shall stand closed.

UJJAL BHUYAN, CJ

C.V.BHASKAR REDDY, J

Date: 17.08.2022
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