

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

**THURSDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 5195 OF 2012

Between:

1. Smt.Durdana Begum, W/o Late M.Abdul Sattar, Muslim, aged about 60 years, Household R/o Paloncha Town, Paloncha Mandal, Khammam District.
2. Yarala Chandra Reddy, S/o Late Joga Reddy, Hindu, aged about 70 years, Occ: Agriculture, R/o Punukula (V), H/o Payakari Yanamballu, Paloncha Mandal, Khammam District.
3. B. Butchamma, W/o Saidulu, Hindu, aged about 55 years, Occ: Agriculture R/o Suraram (V), Paloncha Mandal, Khammam District.
4. Jale Sumathamma, W/o Late Pulla Reddy, Hindu, aged about 68 years, Occ: Agriculture Suraram (V), Paloncha Mandal, Khammam District.

...PETITIONERS

AND

1. The District Collector, Khammam District, Khammam
2. The Revenue Divisional Officer, Paloncha, Khammam District
3. The Tahsildar, Paloncha Mandal, Khammam 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, more particularly in the nature of Writ of Mandamus, or any order or direction, declaring the inaction on the part of the respondents in either granting of pattas or regularizing the lands on payment of the market value to the petitioners viz., the 1st petitioner to an extent of Ac. 6.39 guntas in Sy. No. 98/1, the 2nd petitioner to an extent of 7.24 guntas in Sy. No. 99/1, the 3rd petitioner to an extent of Ac. 7.30 guntas in Sy. No. 93/1 and the 4th respondent to an extent of Ac. 7.24 guntas in Sy. No. 88/1 situated at Suraram Village, Paloncha Mandal, Khammam District as illegal, arbitrary, unjust and in violation of principles of natural justice and for a consequential order directing the respondents to either regularize the respective lands on payment of the market value or grant pattas to the petitioners, by considering their representations

I.A. NO: 1 OF 2012(WPMP, NO: 6613 OF 2012)

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 respondents to either grant pallas to the petitioners or to regularize the respective lands of the petitioners on payment of the market value viz., the 1st petitioner to an extent of Ac. 6.39 guntas in Sy. No. 98/1, the 2nd petitioner to an extent of Ac. 7.24 guntas in Sy. No. 99/1, the 3rd petitioner to an extent of Ac. 7.30 guntas in Sy. No. 93/1 and the 4th respondent to an extent of Ac. 7.24 guntas in Sy. No. 88/1 situated at Suraram Village, Paloncha Mandal, Khammam District, pending disposal to the above writ petition

Counsel for the Petitioners: SRI B. GOPAL FOR SRI. CH DHANAMJAYA

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.5195 of 2012

ORDER:

This writ petition is filed for the following relief:

*...to issue a Writ more particularly in the nature of Writ of Mandamus or any order or direction declaring the inaction on the part of the respondents in either granting of pattas or regularizing the lands on payment of the market value to the petitioners viz., the 1st petitioner to an extent of Ac.6.39 guntas in Sy.No.98/1, the 2nd petitioner to an extent of 7.24 guntas in Sy.No.99/1 the 3rd petitioner to an extent of Ac.7.30 guntas in Sy.No.93/1 and the 4th respondent to an extent of Ac.7.24 guntas in Sy.No.88/1 situated at Suraram Village, Paloncha Mandal, Khammam District as illegal, arbitrary, unjust and in violation of principles of natural justice and for a consequential order directing the respondents to either regularize the respective lands on payment of the market value or grant pattas to the petitioners by considering their representations. *

2. Heard Sri B.Gopal, learned counsel representing Sri Ch.Dhanamjaya, learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioners submits that petitioner Nos.1, 2, 3 and 4 are the owners and possessors of land to an extent of Ac.6.39 guntas in Sy.No.98/1, 7.24 guntas in Sy.No.99/1, Ac.7.30 guntas in Sy.No.93/1 and Ac.7.24 guntas in Sy.No.88/1 respectively situated at Suraram Village, Paloncha Mandal, Khammam District and the same was purchased through unregistered sale deed from original owners by paying valuable sale consideration and since then they have been in possession and enjoyment of the subject

property. The petitioners have approached respondent No.3 and submitted representations on 19.05.2003, 03.01.2009 and 13.02.2012 respectively requesting him to regularize the unregistered sale deeds exercising the powers conferred under Section 5(A) of the A.P/Telangana Rights in Land and Pattadar Pass Books Act, 1971('Act' for brevity). In spite of repeated representations made by the petitioners, respondent No.3 has not taken any steps to consider the claim of the petitioners without any reasons much less valid reasons and the action of respondent No.3 is gross violation of provisions of the Act.

4. Learned Assistant Government Pleader for Revenue submits that during the pendency of the writ petition, the State of Telangana, while repealing the A.P/Telangana Rights in Land and Pattadar Pass Books Act, 1971, legislated new enactment, namely, the Telangana Rights in Land and Pattadar Pass Books Act, 2020(Act No. 9 of 2020) and the same came into force on 29.10.2020 and also issued circulars. By virtue of the said enactment, the Tahsildar is not having power to regularize the unregistered sale deed. However, if the representations submitted by the petitioners are still pending, respondent No.3 will consider the same, in accordance with law and requested this Court to grant reasonable time.

5. In view of the above said submissions made by

respective parties, without going into the merits of the case, respondent No.3 is directed to consider the representations submitted by the petitioners dated 19.05.2003, 03.01.2009 and 13.02.2009 and pass appropriate orders, in accordance with law, after giving opportunity to the petitioners and any other affected parties within a period of three (3) months from the date of receipt of a copy of this order, if not already disposed of.

6. With the above directions, the writ petition is disposed of accordingly. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The District Collector, Khammam District, Khammam
2. The Revenue Divisional Officer, Paloncha, Khammam District
3. The Tahsildar, Paloncha Mandal, Khammam District
4. One CC to SRI. CH DHANAMJAYA Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
6. Two CD Copies

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HIGH COURT

DATED:18/07/2024



ORDER

WP.No.5195 of 2012

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9 Copies

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27/9/24