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

WEDNESDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 13116 OF 2023

Between:

Sri P.Jaya Prakash, S/o. Late P.Anjaiah, Aged about 40 years, Occupation. Private Employee, R/o. H.No.5-30/6 near Sai Baba Temple, Medchal, Medchal-Malkajgiri District 501401.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Revenue Department, Secretariat, Hyderabad 500 022.
2. The District Collector, Medchal-Malkajgiri District 501 301.
3. The Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District 501 301
4. The Tahsildar, Medchal Mandal, Medchal-Malkajgiri District 501 401.

.....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 issues a writ or order or a direction more particularly one in the nature of Writ of Mandamus declaring the order dated. 26.04.2023 issued by the 2nd Respondent refusing to De-Notify the Land in Sy.No.503 to an extent of Ac.5.00 gts situated at Pudur Village, Medchal Mandal, Medchal-Malkajgiri District from the Prohibited List U/s 22-A and not issuing N.O.C. on the pretext that the original assignment file is not available in their office and refusing to receive the Sale Deed dated. 09.01.2023 presented manually for Registration before the 4th Respondent/ Tahsildar as highly illegal, arbitrary, capricious, violative of the

Fundamental rights and consequently direct the Respondents to De-notify the land from the Prohibited list U/s. 22A and to issue N.O.C.

I.A.NO:1 OF 2023

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 4th Respondent to receive the sale deed Dt. 09.01.2023 and register the same and release the document in favour of the petitioner.

I.A.NO:2 OF 2023

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 not to make any allotments in the remaining portion of Ac 5.19 gts of land in sy No 503 of Pudur village Medchal Mandal, Medchal-Malkajgiri District.

Counsel for the Petitioner : SRI K.S.SUNEEL

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following ORDER

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.13116 of 2023

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

> *"....to issue a Writ of Mandamus declaring the order dated: 26.04.2023 issued by the 2nd Respondent refusing to De-Notify the Land in Sy.No.503 to an extent of Ac.5.00 gts situated at Pudur Village, Medchal Mandal, Medchal-Malkajgiri District from the Prohibited List U/s.22-A and not issuing N.O.C. on the pretext that the original assignment file is not available in their office and refusing to receive the Sale Deed dated: 09.01.2023 presented manually for Registration before the 4th Respondent/Tahsildar as highly illegal, arbitrary, capricious, violative of the Fundamental rights and consequently direct the Respondents to De-notify the land from the Prohibited list U/s. 22A and to issue N.O.C...."*

2. It is the case of the petitioner that his father, who was an Ex-Serviceman, was assigned land admeasuring Ac.5.00 gts in Survey No.503 situated at Pudur Village, Medchal Mandal, Ranga Reddy District, under Ex-Servicemen quota, vide Patta Certificate No.B/5963/1998 dated 28.06.1998. It is further case of the petitioner that his father died on 26.02.2004, leaving behind himself, his mother and two others as legal heirs and a Legal Heir Certificate No.RK/566/2004 dated 25.03.2004 was also issued. It is further case of the petitioner that his mother also died on 08.05.2021 and thereafter, when he along with other legal heirs submitted application for mutation of the subject property in their

favour, it was found that the subject land in Sy.No.503 was recorded as Government land in the Dharani Portal and listed in the Prohibition List under Section 22-A of the Registration Act, 1908. It is also case of the petitioner that on 06.04.2022, he submitted a representation to the respondent No.2 seeking to remove the subject land in Sy.No.503 from the Prohibition List, wherein the respondent No.2 called for report from the respondent No.4 through the respondent No.3 and *vide* endorsement dated 26.04.2023. rejected his request citing non-availability of the original assignment file and that assignment details are not implemented in revenue records. Hence the writ petition.

3. The respondent No.4 has filed counter affidavit, *inter alia* stating that in pursuance of the application dated 06.04.2022 submitted by the petitioner, the respondent No.2 has addressed a letter vide No.E2/783/2022 dated 05.07.2022 instructing the respondent Nos.3 and 4 to enquire into the matter and submit proposals for taking further action with regard to issuance of No objection certificate. It is further stated by the respondent No.4 that as per the instructions of the respondent No.2, on verification of the Revenue Records, it was found that as per Pahani for the year 1959-60, the land admeasuring Ac.7-39 gts in Sy.No.503, situated at Pudoor Village, Medchal Mandal, was classified as "Gairan

Sarkari," indicating that it belongs to the Government. Despite best efforts, the original file bearing No.B/5963/1998 could not be traced. However, on verification of the revenue records, including Pahanies and Faisal Patties available in the records Section, the name of late Sri Penjenrla Anjaiah, who is alleged to be the assignee, was never brought on record at any point in time, and no Pattadar Pass Book was issued in his favor. It is further stated that there are no traces of cultivation done by the father of the petitioner or his family members in respect of the subject land. It is further stated that from the year 1959-60 to till date, the revenue records consistently shows that the total extent of land admeasuring Ac.7-39 gts in Sy.No.503 of Pudoor village is recorded as Government land and out of the said extent, an area of Ac.3-36 gts was already allotted to various Government Departments for public use. It is further stated by the respondent No.4 that a factual report was prepared and submitted vide Letter No.B/652/2022 dated 25.11.2022 to the respondent No.3, who in turn submitted a report vide Lr.No.C1/1406/2022 dated 07.02.2023 to the respondent No.2. Based on the said report, the respondent No.2 issued Endorsement No.E2/783/2022 dated 26.04.2023, informing the petitioner that request for issuance of a No Objection Certificate in respect of the Government land in Sy.No.503 situated at Pudoor village of Medchal Mandal cannot be considered.

4. Heard the submissions of learned counsel for the respective parties and perused the record.

5. The learned counsel for the petitioner submitted that absence of original file cannot negate the legal rights of the petitioner under the Patta Certificate issued to his father. Further, the assigned land becomes the absolute property of the assignee after 10 years. Therefore, the impugned rejection order dated 26.04.2023 passed by the respondent No.2 is illegal, arbitrary and violative of principles of natural justice and ultimately prayed to allow the writ petition by setting aside the impugned order dated 26-04-2023 and issue a direction to the respondents to rectify the revenue records and grant succession rights in favor of the legal heirs.

6. On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondents vehemently contended that father of the petitioner is not an Ex-Servicemen and no assignment was made in respect of subject land. It is submitted that the total land admeasuring Ac.7-39 gts in Sy.No.503 of Pudoor village is recorded as Government land and out of the said extent, an area of Ac.3-36 gts was already allotted to various Government Departments for public use and the petitioner merely basing on the alleged patta certificate and without any substantial evidence, is trying to grab the valuable Government land. It is further submitted

that the petitioner has no *locus standi* and the present writ petition filed by him is not maintainable and ultimately prayed to dismiss the same.

7. The case of the petitioner is that his request to de-notify the subject land from the Prohibition List under Section 22-A of the Registration Act, 1908 and to issue a No Objection Certificate (NOC) for registration, was erroneously rejected by the respondent No.2 *vide* impugned order dated 26.04.2023. In contrast, it is the case of the respondents that the original assignment file is missing and there is no proof that the subject land was assigned to the father of the petitioner under Ex-Servicemen Quota, and that the petitioner had not applied for rectification of the revenue records for over two decades. It is also case of the respondents that out of the total land admeasuring Ac.7-39 gts in Sy.No.503 of Pudoor village, an extent of Ac.3-36 gts was already been allotted to various Government departments for public purposes and they are in possession and enjoyment of the same.

8. A careful examination of the impugned order dated 26.04.2023 passed by the respondent No.2 reveals that the request of the petitioner was rejected due to non-availability of the original assignment file, classification of the land as Government property in revenue records, and lack of evidence supporting the petitioner's

claim that his father was granted patta under the Ex-Servicemen Quota. As per the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, pattadars (including those issued pattas for Ex-Servicemen, freedom fighters, and political sufferers) are entitled to have their names mutated in the revenue records and to receive pattadar passbooks. The entries in the Dharani Portal are consequential entries that are carried forward from the entries made in the Revenue Records under the provisions of the Telangana Land Revenue Act, 1317 Fasli and Telangana Rights in Land and Pattadar Pass Books Act, 2020 and the Rules made thereunder. It is the case of the petitioner that he made an application for correction of revenue entries in the year 2022 and when the same was rejected by the respondent No.2 vide impugned order, dated 26.04.2023, he filed the present writ petition in the year 2023. The petitioner sought correction of revenue entries which are in existence since long time. No reasons are forthcoming from the petitioner as to why steps were not taken for implementation of the patta said to have issued in the name of his father in the year 1998, at the earliest point of time. Further, as stated by the respondents, out of the total land admeasuring Ac.7-39 gts in Sy.No.503 of Pudoor village, an extent of Ac.3-36 gts was already allotted to various Government Departments for public use and they are in possession and enjoyment of the same. Therefore, if

the case of the petitioner has to be accepted, the exact extent of the land claimed by him under the alleged patta must be available. In the absence of same, the contention of the petitioner that his father was assigned land under Ex-servicemen quota cannot be countenanced.

9. In view of the above, this Court is of the opinion that the present writ petition is not maintainable, as the petitioner has sought correction of entries in the revenue records after a lapse of nearly two decades. Furthermore, substantial extent of the land was already allotted to various public organizations. At this juncture, any order directing the correction of revenue records would disturb the settled position. Therefore, for the foregoing reasons, this writ petition is devoid of merits and is liable to be dismissed.

10. Accordingly, this Writ Petition is dismissed.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

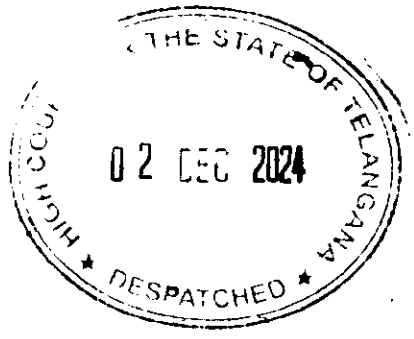
To

1. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI K.S.SUNEEL, Advocate [OPUC]
3. Two CD Copies

SA
BS

HIGH COURT

DATED:13/11/2024



ORDER

WP.No.13116 of 2023

DISMISSING THE W.P

WITHOUT COSTS.

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2/12/24