
(2021) 07 TEL CK 0027
In the Telangana High Court
Case No : Writ Petition No. 14496 Of 2021

Gaddam Vijayalaxmi

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Citation : (2021) 07 TEL CK 0027

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : V V Ramana

Final Decision : Disposed Of

Judgement

1. Heard Mr. V.V.Ramana, learned counsel for petitioner and learned Assistant Government Pleader for Revenue for respondents.

2. This writ petition is filed praying to grant the following relief:

â?? â??to issue an appropriate writ order or direction more particularly one in the nature of a writ of Mandamus to declare the inaction of the

respondents in not implementing the proceedings in File No.B/415/2018, dated 28.08.2019 by the 4th respondent in respect of the agriculture land of

the petitioner to an extent of Ac.2.09 guntas in Sy.No.16 situated at Somaram Village, Medchal Mandal, Medchal- Malkajgiri District and not issuing

pattadar pass book and title deeds to the petitioner as illegal, arbitrary, unjust capricious, unreasonable, unconstitutional, and consequently direct the

respondent nos.3 and 4 to effect mutation of the name of the petitioner in respect of the agriculture land to an extent of Ac.2.09 guntas in Sy.No.16

situated at Somaram Village, Medchal Mandal, Medchal- Malkajgiri District, and issue pattadar pass book and title deed to the petitioner by rectifying

the entries in Revenue Records including Dharani Portal and to pass such other order or orders as this Honâble Court deem fit and proper

in the circumstances of the case.

3. Petitioner claims that she has purchased agricultural land to an extent of Acs.2.09 guntas in Sy.No.16 of Somaram village, Medchal Mandal,

Medchal-Malkajgiri district, by way of registered sale dated 18.8.1986 from Ragam Bala Mallaiah, Ragam Bala Kistaiah and Ragam Narsasimaham

and from the date of purchase she is in possession and enjoyment and cultivating the said land. Petitioner contends that she took help of Sri

V.Panduranga Raju in the agricultural activities. That being so, on a routine verification of the records in the year 2018, she found that in the pahani

for year 1986-87, the names of Ragam Bala Mallaiah, Ragam Bala Kistaiah and Ragam Narsasimaham were rounded of and name of Sri

V.Panduranga Raju was entered and his name continued as such. Surprised by this development, petitioner submitted application to the Tahsildar-4th

respondent on 15.2.2018 to grant mutation in her favour and to issue pattadar pass books and title deeds in respect of the above extent of land. The

Tahsildar issued notice and pursuant to the said notice Sri V.Panduranga Raju appeared before the Tahsildar and submitted a written affidavit dated

21.8.2019 accepting the plea of petitioner and requesting the Tahsildar to correct the revenue records. On due consideration of the respective

submissions, the Tahsildar passed orders on 28.8.2019 holding that reflecting name of Sri V.Panduranga Raju was a clerical mistake and ordered

rectification of the revenue records, recording the name of Smt Gaddam Vijayalaxmi-petitioner herein in place of Sri V.Panduranga Raju and to issue

pattadar pass books and title deeds. Petitioner alleges that even though Tahsildar passed orders on 28.8.2019, so far, same is not given effect to and

for no fault of the petitioner, revenue records are not corrected. On 30.9.2019 petitioner submitted a representation to the Tahsildar requesting to

expedite the process on her claim. She also made representation on 23.6.2021 to the District Collector to give effect to the decision of the Tahsildar.

Alleging inaction this writ petition is filed.

4. Along with the writ petition, petitioner filed representations submitted by her, order of the Tahsildar, extract of Dharani web portal as it stands now

and extract of the statement of encumbrance of property.

5. The statement of encumbrance of property reflects the sale transaction dated 20.8.1986 and registration of the deed of conveyance in favour of

petitioner. From the reading of the order of the Tahsildar, it appears that Sri V.Panduranga Raju filed an affidavit accepting the claim of the petitioner

and requested the Tahsildar to carry out corrections as requested by the petitioner and stated that he has nothing to do with the subject land and by

mistake his name was entered. The Tahsildar records acceptance of the claim of petitioner by Sri V.Panduranga Raju, whose name is reflected in the

revenue records.

6. The above orders of the Tahsildar were made when Telangana Rights in Land and Pattadar Pass Books Act, 1971 (Act 26 of 1971) was in force

and Tahsildar exercised power to order rectification by holding that it was a clerical mistake in reflecting the name of Sri V.Panduranga Raju, instead

of petitioner and same can be corrected.

7. In supercession of Act 26 of 1971, Act 9 of 2020 was promulgated. Act 9 of 2020 does not envisage mechanism to give effect to the earlier

decisions of the revenue authorities made under the Act 26 of 1971. However, the Chief Commissioner of Land Administration issued Circular No. 1

of 2021 dated 15.1.2021 authorising the District Collectors to look into the grievances of the citizens with reference to the entries of revenue records

and all other aspects relating to the agricultural lands. Since there is no mechanism provided in the Act 9 of 2020 for enforcement of the decision

made by the Tahsildar under Act 26 of 1971, per force, petitioner has to make an application through Dharani web portal by referring to Circular No.

1 of 2021 dated 15.1.2021 and to request the District Collector to take consequential steps pursuant to the orders of the Tahsildar dated 28.8.2019. So

far, no such application in DHARANI portal is filed and petitioner submitted an application in physical mode only.

8. Therefore, petitioner is granted liberty to make application through Dharani web portal uploading all the documents in support of her claim. On filing

such application, the District Collector shall call for the records from the office of the Tahsildar concerning file No. B/415/2018 dated 28.8.2019, verify

whether Sri V.Panduranga Raju appeared before the Tahsildar and filed an affidavit as recorded by the Tahsildar in his order and whether any action

was taken by Sri V.Panduranga Raju against the decision of the Tahsildar. If the

decision of the Tahsildar dated 28.8.2019 has become final and there is no accrual of third party rights on the property in issue, the District Collector shall take consequential steps for mutation of name of petitioner in the revenue records on land to an extent of Ac.2.09 guntas in Survey No. 16 of Somaram village, Medchal-Malkajgiri district and to issue e-pattadar pass book and title deed. If the District Collector is not accepting the claim of petitioner, he shall pass orders assigning reasons in support of the decision.

The entire exercise shall be completed within ten (10) weeks from the date of receipt of copy of the application made by the petitioner through

Dharani web portal.

9. Accordingly, the writ petition is disposed of. Pending miscellaneous petitions if any shall stand closed.