

(2019) 08 TEL CK 0002
In the Telangana High Court
Case No : Contempt Case No. 2651 Of 2018

K. Ramakrishna Reddy.

APPELLANT

Vs

K.Ramesh And Others.

RESPONDENT

Date of Decision : 08-08-2019

Acts Referred:

Andhra Pradesh Rights In Land And Pattadar Passbooks Act, 1972 — Section 3, 4, 5, 5(5)

Andhra Pradesh Rights In Land And Pattadar Pass Books Rules, 1989 — Rule 9

Citation : (2019) 08 TEL CK 0002

Hon'ble Judges : Challa Kodanda Ram, J

Bench : Single Bench

Advocate : P.V. Krishnaiah

Final Decision : Disposed Of

Judgement

This contempt case is filed complaining non-implementation of the order dated 24.04.2015 passed by this Court in W.P.No.12329 of 2015.

Considering the claim of the petitioner that he made an Application in Form-VI-A as prescribed under Section 4 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1972 (for short 'the Act') and considering the fact that the Tahsildar, Jammikunta Mandal, Karimnagar District, had received the Application and also served notice on the petitioner calling for information to enable enquiry to be conducted in accordance with the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (for short 'the Rules'), this Court disposed of the aforesaid writ petition directing the Tahsildar to complete the enquiry in connection with granting of succession rights in favour of the petitioner within a period of four months.

Though the petitioner alleged that no enquiry was conducted as per the orders of this Court, learned counsel appearing for respondent No.1 placed before this Court the proceedings styled as Memo bearing No.B/3815/2013, dated 27.04.2016, which was despatched to the petitioner on 02.05.2016. In other

words, so far as the compliance of the order is concerned, an order has been passed pursuant to the directions of this Court.

Learned counsel for the petitioner submits that the order/memo is only an eye wash and there is no consideration of the case of the petitioner as directed by this Court to consider the matter by giving an opportunity to the respective parties and also dispose of the claim of the petitioner duly following the procedure prescribed under the Act, particularly by conducting enquiry as mandated under Rule 9 of the Rules.

On the other hand, learned counsel for respondent No.1 submits that inasmuch as the order has already been passed in compliance with the directions of this Court, if the petitioner is aggrieved by the same, he is required to challenge the same in a separate writ petition, but not by way of contempt case.

Having heard the learned counsel for the parties and having perused the order passed by this Court, the fact remains that the Memo, dated 27.04.2016 is not in conformity with the procedure as required to be followed in the adjudication process/in discharge of quasi-judicial functions, which have been entrusted to the Tahsildar, particularly under Sections 3, 4 and 5 of the Act read with the Rules prescribed thereunder.

In the process of enquiry, the Tahsildar is required to come to a definite conclusion based on the material placed before him whether the applicant is entitled to be granted the succession in terms of Section 5 of the Act. Unlike in cases of the claims being determined under Section 3, the determination of claims under Section 5 on an Application made under Section 4 has limited scope of enquiry as the applicant claims rights under Section 4 only on succession, survivorship, inheritance, partition, Government patta, decree of a Court or otherwise any rights as owner, pattadar, mortgage, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method. Merely because an objection has been raised by another party i.e. rival claimant, without determining whether such rival claimant has a right and if so to what extent, the Application cannot be returned/rejected. In a given case, where the Tahsildar is unable to decide and come to a definite conclusion, Rule 9 of the Rules mandates directing the parties to approach the civil Court for adjudication of their claims. Every order under Section 5 of the Act is required to be a speaking order, which is appealable under Section 5 (5) of the Act. In *Kallem Penta Reddy Vs. Mandal Revenue Officer, Saroornagar Mandal, R.R. District and others* 2013(5) ALD 471, this Court held that the practice of issuance of orders by styling them as endorsement/memo continues and a cryptic proceedings styling them as endorsements/memos are being issued by all the authorities, i.e. Mandal Revenue Officers, Tahsildars, Revenue Divisional Officers, Joint Collectors.

In those circumstances, to ensure proper compliance with the procedure and to avoid repetition of such glaring mistakes being committed, driving the citizens to the Court repeatedly, this Court deems it appropriate to direct the Principal

Secretary, Revenue Department, State of Telangana, though he is not a party to this contempt case, to take necessary steps by issuing clear administrative instructions to the Subordinate Officers with respect to the method and manner of dealing with the claims and rights of the parties under the Act.

So far as the present contempt case is concerned, as there is an order passed though styled as Memo and as there is an alternative remedy against the same, the petitioner is required to workout the remedies in accordance with law.

In view of the above, the contempt case is closed.

Office to communicate a copy of this order to the Principal Secretary, Revenue Department, State of Telangana.

Consequently, miscellaneous applications, if any shall stand closed.