

(2022) 02 TEL CK 0071
In the Telangana High Court
Case No : Writ Appeal No. 95 Of 2010

Lakshmi Bai Amp 3 Others

APPELLANT

Vs

Tahsildar, Madnoor Mandal 5 Others

RESPONDENT

Date of Decision : 23-02-2022

Acts Referred:

Andhra Pradesh (Telangana Area) Tenancy And Agricultural Lands Act, 1950 — Section 38E

Citation : (2022) 02 TEL CK 0071

Hon'ble Judges : Satish Chandra Sharma, CJ; Abhinand Kumar Shavili, J

Bench : Division Bench

Advocate : K Raghuvver Reddy

Final Decision : Dismissed

Judgement

1. This Writ Appeal is filed aggrieved by the order dated 04.02.2010 passed in W.P.No.11510 of 2008 by the learned Single Judge.
2. Heard Sri K.Raghuvver Reddy, learned counsel for the appellants, learned Government Pleader for Revenue appearing for the official respondents.
3. It is the case of the appellants that their father was the protected tenant in respect of land bearing Sy.No.3, admeasuring Ac.24.03 guntas situated at Tadgur Khurd Village, Madnoor Mandal, Nizamabad District. Respondents 3 to 6 are pattedars of the said land. Their grievance is that the official respondents had issued ownership certificate under Section 38-E of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, in favour of their father and by virtue of the same, the appellants are to be treated as protected tenants only. However, the ownership certificate issued by the 1st respondent was not handed over in favour of the father of the appellants and appellants. Thereafter, the 1st respondent- Tahsildar, Madnoor vide order dated 16.05.2008 directed the Village Revenue Officer and Mandal Revenue Inspector to re-hand over the possession of the above lands to the un-official respondents/land owners viz., Ananth Rao and

others under the cover of Panchanama and further directed to incorporate their names in Revenue Record. Aggrieved by the said order, the appellants had filed W.P.No.11510 of 2008 seeking to declare the order passed by the 1st respondent as arbitrary and illegal. The learned Single Judge had erroneously dismissed the said writ petition on the ground that the appellants are defaulted in paying the rents for 60 long years. Challenging the same, the present Writ Appeal has been preferred by the appellants.

4. Learned counsel appearing for the appellants contended that respondents 3 to 6, knowing fully well that the father of the appellants was the protected tenant, filed an application on 24.07.2003 before the 1st respondent seeking delivery of the possession and the 1st respondent has ordered delivery of the possession in favour of respondents 3 to 6 vide order dated 16.05.2008. Learned counsel further contended that appropriate orders be passed in the appeal by setting aside the order passed by the 1st respondent and further direct the official respondents to re-deliver the possession of the subject lands in favour of the appellants.

5. Learned Government Pleader appearing for the respondents contended that learned Single Judge has rightly dismissed the writ petition preferred by the appellants with a specific observation that the appellants have not paid the rents for 60 long years, and even, they did not pay the rents during the pendency of the litigation, nor after its attainment of finality in the year 2002. Therefore, there are no merits in the writ appeal and the same is liable to be dismissed.

6. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that though the father of the appellants was declared as a protected tenant, neither their father nor the appellants have taken any steps for payment of rents for 60 long years, even after filing a petition for delivery of possession. Therefore, the learned Single Judge has rightly dismissed the writ petition. Hence, this Court is not inclined to interfere with the order passed by the learned Single Judge.

7. Accordingly, the Writ Appeal is dismissed. No costs. Miscellaneous petitions, if any, pending shall stand closed.