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**(2022) 08 TEL CK 0015**  
**In the Telangana High Court**  
**Case No : Writ Petition No. 21940 Of 2021**

Mekala Bixapathi Buchaiah

APPELLANT

Vs

State Of Telangana

RESPONDENT

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**Date of Decision : 04-08-2022**

**Acts Referred:**

Telangana Rights in Land and Pattadar Pass Books Act, 2020 — Section 16  
Andhra Pradesh Rights in Land and Pattadar Passbook Act, 1971 — Section 5, 5(5)

**Citation : (2022) 08 TEL CK 0015**

**Hon'ble Judges : Mummineni Sudheer Kumar, J**

**Bench : Single Bench**

**Advocate : Papaiah Peddakula**

**Final Decision : Dismissed**

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## Judgement

1. This writ petition is filed seeking a writ of certiorari calling for records relating to in connection with order in case No.F2/2108/2021, dated 23.06.2021 passed by the Special Tribunal, Edadari Bongir District.
2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for the Revenue and Sri C.V.Narshima Goud, learned counsel appearing for respondent Nos.6 to 8.
3. The impugned order dated 23.06.2021 came to be passed in exercise of the power under Section 16 of Rights in land and Pattadar Passbook Act 2020 by the special Tribunal Yadadiri Bhuvanagiri District, The subject matter of this writ petition is an extent of Ac.1-07 Gts of land situated in Survey No.86/B/B (Ac.1-04 Gts) and 87/B/B (Ac.0-03 Gts ). The undisputed facts are that the said extent of Ac.1-07 Gts fell to the share of one Mekala Narsaiah, S/o.Yadagiri who is the husband of the respondent No.6 and father of respondent Nos.7 and 8 herein. After the demise of said Mekala Narsaiah, his mother Mekala Chandramma got the same mutated in her name and in turn she executed a registered gift settlement deed in favour of one Mekala Buchaiah S/o.Yadagiri.

However, the said extent of land was mutated in the name of the petitioner No.1 herein. The respondent No.6 to 8 herein who are the wife and daughters of late Mekala Narsaiah, having come to know about mutation of the name of the Mekala Chandramma and further mutation of the name of petitioner No.1 herein filed an appeal under Section 5(5) Rights in Land and Pattadar Passbook Act, 1971 (for short 'Act 1971') before the respondent No.4 herein. However, consequent upon repeal of the Act 1971 the said appeal got transferred in terms of Section 16 of Act and the same was adjudicated before the Special Tribunal and an order dated 02.02.2021 came to be passed thereby setting aside the entries made in favour of the petitioner No.1 herein and directing for restoring the names of the respondents No.6 to 8 herein.

4. However consequent upon orders passed by the Hon'ble Division Bench of this Court in WP (PIL) No.20 of 2021, on the request of the petitioners herein the said case was taken-up for reconsideration by the special Tribunal and after hearing the parties concerned the impugned order came to be passed directing for deleting of the name of the petitioner No.1 herein and to restore the names of the respondent Nos.6 to 8 herein in respect of the subject land.

5. Aggrieved by the same the present writ petition is filed. It is an admitted fact that the subject land admeasuring Ac.1-07 Gts was standing in the name of Mekala Narasiah as on the date of his death, It is also not in dispute that the respondent No.6 herein is the wife of Late Mekala Narsaiah and respondent Nos.7 and 8 herein are daughters of Late Mekala Narsaiah. A perusal of the amendment register filed along with this writ petition shows that the name of Mekala Chandramma who is mother of Late Mekala Narsaiah was entered in the revenue records after the demise of Late Mekala Narsaiah for the reasons best know the respondent Nos.6 to 8 herein who are also class-I heirs of Late Mekala Narsaiah are not put on notice nor their case was considered for updating in revenue records. The said Mekala Chandramma having got her name entered in the revenue records executed the registered gift settlement deed dated 9.06.2009, vide document No.5138/2009 in favour of her son Makela Buchaiah. However, the said extent of land was mutated in the name of the petitioner No.1 herein in the revenue records. The respondent Nos.6 to 8 herein having come to know about the said mutation of the subject land in the name of Mekala Chandramma and thereafter in the name of respondent No.1 herein filed an appeal as stated above.

6. In the absence of dispute about the relationship of the respondent Nos.6 to 8 herein to the Late Mekala Narsaiah any changes in the Revenue record in respect of the land that was standing in the name of deceased Late Mekala Narsaiah as on the date of his demise, without notice to them cannot be said to be in compliance with the requirement as contemplated under Section 5 of Act 1971.

7. The Special Tribunal also through the impugned order came to the conclusion that any changes made in the revenue record in respect of the land that was held by Mekala Narsaiah without notice to the respondent No.6 to 8 herein is illegal.

Hence this Court does not find any error much less an error apparent on the face of the record to interfere with the order passed by the special Tribunal. The scope of interfere by this Court while considering a case for issue of writ of certiorari is very limited. No ground are made out to interfere with the order of the Special Tribunal.

8. Further the Mekala Chandramma being the mother of late Mekala Narsaiah is also a class-I heir in terms of Section (8) reads with schedule of Hindu Succession Act, on par with respondent No.6 to 8 herein. Therefore the said Mekala Chandramma would be entitled to succeed to the subject land on the demise of Mekala Narsaiah along with the respondent No.6 to 8 herein. Therefore the respondents No.3 to 5 herein are directed to take steps for mutation of the names of the respondents No.6 to 8 herein and the names of successor of late Mekala Chandramma by virtue of registered Gift Deed referred to above to the extent of her 1/4th share out of the total extent Ac.1-07 Gts situated in Sy No.86/B/3 and 87/B/B of Datharpally Village, Yadagirigutta Mandal, Yadadri-Bhongir District.

9. From the material on record, it is also seen that the respondent Nos.6 to 8 have already filed a suit for partition in OS No.95 of 2016 on the file of Sr.Civil Judge, Bongir, in respect of total extent of Ac.4-37 Gts including the land which is subject matter of this writ petition and the said suit is pending. Hence, any order or direction issued in revenue record made pursuant to the order passed by the Special Tribunal as confirmed in this Writ petition are however are subject to result of the said pending suit i.e., OS No.95 of 2016.

10. Subject to above observation, the writ petition shall stand dismissed. Miscellaneous petitions pending, if any, is closed. No order as to cost.