
(2023) 02 TEL CK 0009
In the Telangana High Court
Case No : Writ Petition No. 42070 Of 2022

Shaik Raffi

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 01-02-2023

Acts Referred:

Telangana Rights in Land and Pattadar Pass Books Rules, 1989 — Rule 26(6)

Citation : (2023) 02 TEL CK 0009

Hon'ble Judges : K.Lakshman, J

Bench : Single Bench

Advocate : J. Raghuram

Final Decision : Dismissed

Judgement

1. Heard Sri J.Raghuram, learned Counsel, for the petitioner and learned Govt.Pleader for Revenue. Perused the record.
2. This Writ Petition is filed to declare the notice dated 27.10.2022 of 2nd respondent in directing 3rd respondent to submit enjoyment list of the farmers over the petition schedule land to an extent of Ac.0.20guntas in Sy.No.66/E situated at Becharag Madharam Village at Suryapet District, (for short, 'the subject property') instead of unblocking the name of petitioner's vendor namely Md.Mumtaz Ali in order to mutate the name of petitioner herein in Dharani Portal as per registered sale deed vide Doc.No. 5845 of 2014 dated 29.11.2014, contrary to new Telangana Rights in Land and Pattadar Pass Books Act, 2020(for short, 'the Act, 2020') dated 19.09.2020, as illegal and with consequential direction to 2nd respondent to unblock the name of the petitioner's vendor in order to mutate the name of the petitioner in Dharani portal in respect of the subject property.
3. The petitioner is claiming that he is the absolute owner and possessor of the subject property on the strength of a registered sale deed bearing Doc.No.5845/2014, dated 29.11. 2014. The petitioner has filed a copy of the said

sale deed, mutation proceedings and pattadar passbooks issued in favour of Md.Mumtaz Ali, his vendor. According to the petitioner, he has purchased the property on par with his elder brother who sold the said property to third party. The said property was blocked. Despite his request, 3rd respondent has not entertained his online application No.LM2100074426 at "Land Grievance Matters" to unblock his vendor's name in Dharani Portal in order to mutate his name pursuant to the aforesaid sale deed.

4. They have also informed the petitioner that they have no powers to dispose of online application submitted by the petitioner due to some technical reasons. Therefore, he has filed a writ petition vide W.P.No.16730 of 2022 to declare the action of Respondent Nos. 2 and 3 in not unblocking the name of the vendor of the petitioner herein considering his aforesaid application as illegal. This Court vide order dated 11.04.2022 disposed of the said writ petition directing the respondent Nos.1 and 2 to take steps for providing such login facility to the office of the District Collector, Suryapet and for consideration of the application of the petitioner within a period of six weeks from the date of receipt of the order and communicate the same to the petitioner.

5. It is also relevant to note that since the online application of the petitioner was not considered by the 2nd respondent to mutate his name and issue e-pattadar passbook in respect of the subject property the petitioner has filed writ petition vide W.P.No.4711 of 2021 and the same was disposed of by this Court vide order dated 28.09.2021 directing the respondents to consider the said online application and pass necessary orders thereon, strictly in accordance with law as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of the order duly putting all the interested parties on notice and considering the objections if any.

6. In compliance with the order dated 11.04.2022 in W.P.No.16730 of 2022, 2nd respondent vide proceedings dated 23.09.2022, directed 3rd respondent to submit enjoyment list of farmers over the petition schedule land. 3rd respondent has submitted enjoyment list of farmers to 2nd respondent. Referring to the same, 2nd respondent vide notice dated 27.10.2022 directed the petitioner to attend enquiry with relevant documents on 29.10.2022. Challenging the said notice, the petitioner herein had filed the present writ petition on the following grounds:-

i. Respondent No.1 even after receiving enjoyment list of farmers from 3rd respondent herein has not complied with the aforesaid order passed by this Court dated 11.04.2022 in W.P.No.16730 of 2022.

ii. In fact, the action of 2nd respondent in directing 3rd respondent to submit enjoyment list of farmers of the petitioners property is contrary to the ROR Act, 2020 and LRUP programme introduced by the Government of Telangana vide Memo No.16282/ASSn.I (3)/2015-2, dated 26.02.2018, in the year 2017.

iii. Calling for enjoyment list of farmers over the land of the petitioner is nothing

but inviting unnecessary records received from 3rd respondent and that 2nd respondent is taking different stand instead of unblocking the name of his vendor to mutate his name and issue e-pattadar passbooks. Therefore, respondent Nos.2 and 3 are liable for action in terms of Section 14(2) of Act, 2020.

7. Whereas, learned Asst. Govt. Pleader for Revenue had produced written instructions of 3rd respondent wherein it is specifically stated as follows:-

i. The total extent of land in Sy.No.66 of Bechrag Madharam Village of Suryapet Mandal is Ac.7.24guntas.

ii. Md.Azeej, s/o Sardar name is recorded as pattadar to the extent of Ac.1.02guntas.

iii. The said Md.Azeej, died in the year 2000.

iv. The said land is got succeeded by his son Md.Mumtaj Ali and his name was also recorded as pattadar in revenue records in the year 2012-13.

v. The said Md.Muntaj Ali sold his land to 1) Shaik Nagulmeera, S/o Shaik Hussain, 2) Chatkur Thamamreddy, S/o Muralidhar Reddy, to an extent of Ac.0.10guntas each vide registered sale deed Doc.No.5844 of 2014, dated 29.11.2014 and an extent of Ac.0.22guntas is remained in the name of Md.Muntaj Ali.

vi. The petitioner has purchased Ac.0.20guntas of land under the aforesaid sale deed. The said document was not implemented in the revenue records.

vii. The petitioner is not in physical possession over the aforesaid land and the said land is covered by house sites and houses.

viii. As per Rule 26(6) of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989 (for short, 'the Rules 1989'), a title deed or pattadar passbook shall be given only to those persons who are in actual possession of the land.

ix. The said fact was intimated to the petitioner herein vide his memo dated 03.02.2022.

x. Even then, the petitioner has submitted online application seeking mutation of his name.

xi. The petitioner did not have any land in Sy.No.66 of Bachrag Madharam Village and in physical possession of any land. Even then, he has filed the present writ petition by way of suppression of actual facts.

8. The petitioner herein is claiming that he is the absolute owner and possessor of the subject land on the strength of the registered sale deed bearing Doc.No.5845/2014 dated 01.12.2014. From the said date he kept silent and applied for mutation only in the year 2022 i.e. after lapse of 8 years. However, he has submitted the said online application in 'Land Grievance Matters Cell'. In fact as per CCA Circular No.1/2021, dated 15.01.2021, he has to submit online

application seeking mutation of his name over the subject property on the strength of the aforesaid registered sale deed. In compliance with the orders in W.P.No.16730 of 2022, 2nd respondent sought report from 3rd respondent including enjoyment list of farmers over the said property and 3rd respondent has submitted said list to 2nd respondent on 23.09.2022. On receipt of the said list, 2nd respondent vide notice dated 27.10.2022, requested the petitioner to attend enquiry on 29.10.2022 with all relevant documents, production of evidence in support of his claim. The petitioner herein instead of attending enquiry before 2nd respondent, pursuant to the said notice, filed the present writ petition contending that the action of 2nd respondent in calling for the enjoyment list of farmers is contrary to the Rules and LRUP Programme.

9. As discussed supra, as per Rule 26(6) of the Rules, 1989, a title deed or pattadar passbook shall be given only to those persons who are in actual possession of the land. Therefore, 2nd respondent called for report including enjoyment list of farmers in respect of the subject land. The said list was submitted by 3rd respondent.

10. It is also relevant to note that 3rd respondent in his written instructions, dated 21.12.2022 categorically stated the details of the total extent of land in Sy.No.66 of Bechrag Madharam Village, and details of the owners and possessors. According to him, The petitioner is not in physical possession of the subject property though he claims that he has purchased the aforesaid property by way of a registered sale deed bearing Doc.No.5845 of 2014 dated 29.11.2014. He was silent for 8 years in getting mutation of his name in the revenue records. The said property is in urban area i.e. Suryapet Municipality. It is not an agricultural land. The land is covered by houses and house sites. Therefore, the petitioner is not entitled for mutation and issuance of e-pattadar passbook. Therefore, the provisions of the ROR Act, 2020 are not applicable to the subject land. Only for the purpose of conducting enquiry in compliance with the order dated 11.04.2022 in W.P.No.16370 of 2022, 2nd respondent called for list of enjoyment of farmers over the said property. Therefore, the contention of the petitioner that calling for enjoyment list of farmers over the land of the petitioner is nothing but inviting unnecessary records is untenable. Thus, the present writ petition is devoid of merits and is liable to be dismissed.

11. In view of the above discussion, this writ petition is dismissed.

Consequently, miscellaneous Petitions, if any, pending, shall also stand closed.