

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 7785 OF 2021

Between:

Lingam Mallaiah, S/o.Rayamallu @ Rajamallu Aged 51 years, Occ. Agriculture R/o.Sithampeta Village, H/o.Ippalapalli Mutharam (MNT) Mandal Peddapalli District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department Secretariat Buildings, Hyderabad.
2. The Special Tribunal, Peddapalli District Rep. by its Members
3. The Revenue Divisional Officer, Manthani Division, Karimnagar District.
4. The Tahsildar, Mutharam (MNT) Mandal Karimnagar District.
5. Ravula Shankaraiah, S/o.Gouraiah Aged Major, Occ. Agriculture R/o.Ippalapalli, Mutharam (MNT) Mandal Peddapalli District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the Orders passed by the 2nd respondent in proceedings Case No.B1/255/2019, dt.05.02.2021 in dismissing the appeal of the petitioner filed Under Sec.5 of the ROR Act as illegal, arbitrary, unconstitutional and contrary to the provisions of T.S. Lands in Rights and Pattedar Passbooks Act, 2020 (Act.9 of 2020) and consequently by setting aside the Impugned Order of the 2nd respondent, direct the Respondent Nos.3 and 4 to forthwith correct the entries in the Revenue Record pertaining to the Petitioners property admeasuring Ac.3.00 in Sy.No.376 of Ippalapalli Village, Manthani Mandal, Karimnagar District and to restore the petitioner's name in the revenue records by deleting the entries made in favour of the 5th respondent.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation of the Impugned Proceedings Case No. B1/255/2019, dt.05.02.2021 passed by the Respondent No.2, pending disposal of the Writ Petition.

Counsel for the Petitioner:SRI. P SHRAVAN KUMAR GOUD

Counsel for the Respondent Nos. 1 to 4: AGP FOR REVENUE

Counsel for the Respondent No. 5: NONE APPEARED

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7785 of 2021

ORDER:

Heard learned counsel for petitioner and learned Assistant Government Pleader for Revenue.

2. This writ petition is filed challenging the decision of the Special Tribunal constituted under Section 16 of the Telangana Rights in Land and Pattadar Passbooks Act, 2020 (Act 9 of 2020) to consider and decide pending appeal/revision filed under the Act 26 of 1971. The primary challenge against the order of the Special Tribunal is that before passing orders, notice was not issued and opportunity of hearing was not afforded.

3. The very issue was considered by a Division Bench of this Court in W.P. (PIL) No.20 of 2021. Taking note of the objections of not issuing notice and not affording opportunity of hearing by order dated 18.03.2021, the Division Bench issued following directions:

4. It is therefore deemed appropriate to direct that in all cases that have been transferred from the revenue courts to the Special Tribunals notwithstanding any orders that may have been passed by the Special Tribunals, the respondents shall issue public notices calling upon parties to appear before the Special Tribunals in each district on a fixed date and time to enable them to make their submissions. Wherever a request for a personal hearing is received from parties, passed by the Special Tribunals shall be deemed to be quashed and set aside. Fresh orders shall be passed by the Special Tribunals after granting a reasonable opportunity to the parties of being heard either in person or through their Advocates. They shall also be afforded a chance to file written submissions, if not already filed. Only thereafter shall fresh orders be passed by the Special

Tribunals. Adequate and wide spread publicity of this order shall be given by the State within three weeks to apprise all concerned parties of the same."

4. In terms of the said order, the aggrieved person has to verify the publication of notice as directed by the Hon'ble Division Bench and appear before the Special Tribunal on the date and time fixed in the notice. However, having regard to submissions made at the bar, in addition, petitioner is granted liberty to appear before the Special Tribunal within ten days from the date of receipt of copy of this order and submit a request for a personal hearing. He shall obtain acknowledgement of submitting such request. He shall also furnish the address for correspondence, mobile number and e-mail address (if any) in the said requisition. The Special Tribunal shall maintain record of proceedings including request made for personal hearing, as noted above. On furnishing the information by the petitioners and request made for personal hearing, the Special Tribunal shall conduct proceedings as directed by the Hon'ble Division Bench of this Court. It shall consider the matter afresh uninfluenced by the earlier order. It is open to the parties to file written submissions before the date of hearing fixed by the Special Tribunal. Learned counsel expressed concern that the Tahsildar may undertake exercise consequent to the impugned decision of Special Tribunal. It is hoped and expected that no steps be taken by the Tahsildar based on the orders of the Special Tribunal, impugned herein, till fresh orders are passed by the Special Tribunal as directed by the Division Bench and in this writ petition. It is made clear, this order is operative only if petitioner complies with directions issued above. There is no expression of

opinion on merits and the submissions and pleas of the parties are preserved.

5. The writ petition is disposed of. No costs. Miscellaneous petitions, if any, pending, stand closed.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

N
SECTION OFFICER

To, The Principal Secretary, Revenue Department, State of Telangana, Secretariat

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Special Tribunal, Peddapalli District Rep. by its Members
3. The Revenue Divisional Officer, Manthani Division, Karimnagar District.
4. The Tahsildar, Mutharam (MNT) Mandal Karimnagar District.
5. One CC to Sri. P Shravah Kumar Goud, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies.

PM

N. J.

HIGH COURT

DATED: 31/03/2021

ORDER

WP.No.7785 of 2021



Disposing of the WP
Without costs.

⑨ vw
9/4/21