

SHIGH 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 HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 7887 OF 2021

Between:

Chilukala Inna Reddy, S/o Late Chinnapu Reddy Aged about 42 years, Occ.
Agricultural R/o. Vajinepally Village, Chinthalapalem Mandal, Suryapet District.
...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Revenue,
Secretariat Buildings, Saifabad, Hyderabad.
2. The District Collector, Suryapet District At Suryapet.
3. The Additional Collector, Suryapet District At Suryapet.
4. The Tahsildar, Chinthalapalle Mandal At Chinthalapalle, Suryapet District
5. Chilukala Anki Reddy, S/o Late Chinnapu Reddy Aged about 40 years, Occ.
Agricultural R/o. Vajinepally Village, Chinthalapalem Mandal, Suryapet 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 a writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI calling for entire records connected to EX-parte order in Revision Petition vide Old No. F2/2020/2019 (filed in old Revenue Court/Additional Collector, Suryapet) from the file of 1st and 2nd Respondents declaring the same as illegal, irregular, without jurisdiction, violation of principles of natural justice and contrary to Telangana Rights in Land and Pattadar Pass Books (Special Tribunals) Rules, 2021 and offend Articles 14, 21 and 300-A of the Constitution of India and consequently suspend the operation of order in Revision Petition vide Old No. F2/2020/2019 (filed in old Revenue Court/Additional Collector, Suryapet) from the file of 1st and 2nd Respondents

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 order in Revision Petition vide Old No. F2/2020/2019 (filed in old Revenue Court/Additional Collector, Suryapet) from the file of 1st and 2nd Respondents, pending disposal of the main writ petition

Counsel for the Petitioner: SRI S. VIPLAV SIMHA REDDY

Counsel for Respondent Nos. 1 to 4: GP FOR REVENUE

Counsel for Respondent No. 5: SRI P. SASHIDHAR REDDY

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7887 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 Telangana Rights in Land and Pattadar Passbooks Act, 1971 (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 WP (PIL) No. 20 of 2021. Taking note of the objections of not issuing notice and not affording opportunity of hearing by order dated 18.3.2021, the Division Bench issued following directions:

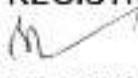
"4. It is therefore deemed appropriate to direct that in all cases that have been transferred from the revenue courts to the Special Tribunals notwithstanding any orders that may have been passed by the Special Tribunals, the respondents shall issue public notices calling upon parties to appear before 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, the orders 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 petitioner 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

comply 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/-R.KARTHIKEYAN
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Department of Revenue, State of Telangana, Secretariat Buildings, Saifabad, Hyderabad.
2. The District Collector c, Suryapet District At Suryapet.
3. The Additional Collector, Suryapet District At Suryapet.
4. The Tahsildar, Chinthalapalle Mandal At Chinthalapalle, Suryapet District
5. One CC to Sri S Viplav Simha Reddy Advocate [OPUC]
6. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
7. One CC to Sri P. Sashidhar Reddy, Advocate (OPUC)
8. Two CD Copies

MBC



HIGH COURT

DATED: 31/03/2021



ORDER

WP.No.7887 of 2021

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

A handwritten signature or mark, appearing to be "10", is written diagonally across the bottom left corner of the document.