

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

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 12135 OF 2021

Between:

Shivarathri Uppalaiah, S/o. Agaiah, aged 58 years, Occ: Agriculture R/o. H.No.1-34, Ghanpur Village, Nangnoor Mandal, Siddipet District, T.S.

...PETITIONER

AND

1. The State of Telangana, Rep. by its. Principal Secretary, Revenue Department, Telangana Secretariat, Hyderabad, T.S
2. The District Collector and Member of Honble Special Tribunal, Siddipet District, TS
3. The Revenue Division Officer, Siddipet Revenue Division, Siddipet Dist., TS
4. The Tahasildar, Nangnoor Mandal, Siddipet District, T.S
5. Shivarathri Maisaiah, W/o. Late Agaiah, aged 45 years, Occ Agriculture R/o. Ghanpur Village, Nangnoor Mandal, Siddipet District, T.S
6. Shivarathri Mallaiah, W/o. Late Agaiah, aged 65 years, Occ Agriculture R/o. Ghanpur Village, Nangnoor Mandal, Siddipet District, T.S

...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 directions more particularly one in the nature of Writ of Mandamus, declaring the order dated 04/02/2021 in Case.No F3/Spl., Tribunal/Nangnoor/24/2021(old Case appeal No. D/2355/2018) passed by the 2nd respondent in dismissing the same, without issuing any notice or otherwise and without providing any opportunity of hearing to the petitioner during the adjudication of the said appeal in respect of lands in Sy.No.87,139,148,146 ,125 and 124 to an extent Ac.1-17 gts, Ac.1-20 gts, Ac.0-10 gts, Ac.0-17 gts, Ac.0-10 gts and Ac.0-03 gts, total admsg., Ac.4-23 gts, situated at Ghanapoor Village of Nangnoor Mandal, Siddipet District, TS, as being illegal, arbitrary and violation of Article 14,19,21 and 300-A of Constitution of India and set aside the same and consequently direct the respondents mutate the name of the petitioner in the revenue records in respect of above mentioned lands and.

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 order dated 04-02-2021 in Case. No.F3/Spl., Tribunal/Nangnoor/24/2021(old Case appeal No.D/2355/2018) passed by the 2nd respondent, pending disposal of the above W.P.

Counsel for the Petitioner: SRI. BETHI VENKATESWARLU

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

Counsel for the Respondent Nos.5 & 6: NONE APPEARED

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUICE P.NAVEEN RAO
WRIT PETITION No.12135 of 2021

ORDER:

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

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) in Old Case No.D/2355/2018 in Case No.F3/Spl.Tribunal/ Nangnoor/24/2021, dated 04.02.2021 disposing the appeal filed under 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, 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 that 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/- K.ONESIM
ASSISTANT REGISTRAR
GP
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Telangana Secretariat, Hyderabad, T.S
2. The District Collector and Member of Honble Special Tribunal, Siddipet District, TS
3. The Revenue Division Officer, Siddipet Revenue Division, Siddipet Dist., TS
4. The Tahasildar, Nangnoor Mandal, Siddipet District, T.S
5. One CC to Sri Bethi Venkateswarlu, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

CHR



HIGH COURT

DATED:30/04/2021

ORDER

W.P.No.12135 of 2021



DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS

PPK
26/05

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