

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

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO: 13735 OF 2021

Between:

Lingala Laxmi Kumari, W/o Lingala Ranadheer Reddy, Age.48 Yrs, Occu. House wife, R/o 1-7-489, Revenue, Colony, Subedari Hanmakonda

...PETITIONER

AND

1. The State of Telangana, Rep., by it's Principal Secretary for Revenue, Secretariat, Hyderabad.
2. The Collector, Nagarkurnool District
3. The Tahsildar, Uppununthala Mandal, Nagarkurnool District.
4. Vavilala Rukma Reddy, S/o Narsimha Reddy, Age. 60Yrs, Occu. Retired Employee, R/o Kamsanipally Village, Uppununthgla Mandal, Nagarkurnool District
5. Kalmikolanu Venkat Reddy, S/o Yadagiri Reddy, Age. 40 Yrs, Occu. Private Employee, R/o Ghanpure Station, Janagam Road, Hero Show room, Up stairs, Ghanpur Mandal, Janagam District
6. Gutha Sudheer Reddy, S/o Late Narsimha Reddy, Age. 36 Yrs, Occu. Private Employee, R/o Gujja village, Chowtapally Mandal, Yadadri Bhuvanagiri 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 appropriate writ, order or direction more particularly one in the nature of Writ of mandamus to declare the inaction of the Collector-R2 on the issued Notice dated 16/04/2021 the counsel of the petitioner sought the collector-R2 to give instructions to the Tahsildar-R3 not to transfer the Petitioner's Land property extent Ac.2.00 Gts in the Sy.No 89/7AA, situated n the Kamsanipally Village, Uppununthala Mandal of Nagar kurnool Distict., mentioned in the Pasupukunkuma Document dated 10/07/1994 executed by petitioners, father-R4 . in the petitioners marriage - is illegal, arbitrary and against the principle of natural justice and consequently the direction may be given to the Tahsildar Respondent No.3 not to perform the Registration to the third parties, without consent of the petitioner, to the agricultural Land to extent Ac.2.00 Gts in the Sy.No.89/7AA, situated in the Kamsanipally Village, Uppununthala Mandal of Nagar kurnool Distict., mentioned in the Pasupukunkuma Document dated 10/07/1994 executed by the petitioners father-R4 at the time of petitioner's marriage.

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 issue interim direction to the Tahsildar - Respondent no.3 to stay all the further proceedings in connection to the Registration of the Agricultural land in Sy.No. 89/7AA, situated In the Kamsanipally Village, Uppununthala Mandal of Nagarkurnool Distict., which was executed by the petitioner's father-R4 under Pasupukunkuma at the time of marriage of the petitioner.

Counsel for the Petitioner : SRI V. ANIL KUMAR REDDY

Counsel for the Respondent Nos.1 to 3: AGP FOR REVENUE

Counsel for the Respondent Nos.4 to 6:-----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.13735 OF 2021****ORDER:**

This writ petition is filed seeking the following relief :

"..declare the inaction of the Collector-R2 on the issued Notice dated 16.04.2021 by the counsel of the petitioner sought the Collector-R2 to give instructions to the Tahsildar-R3 not to transfer the petitioner's land property extent Ac.2.00 Gts in the Sy.No.89/7AA, situated in the Kamsanipally Village, Uppununthala Mandal of Nagarkurnool District, mentioned in the Pasupukumkuma Document dated 10.07.1994 executed by petitioner's father-R4 in the petitioner's marriage is illegal, arbitrary and against the natural principle of justice and consequently, the direction may be given to the Tahsildar-Respondent No.3 not to perform the Registration to the third parties, without consent to the petitioner, to the agricultural land to the extent Ac.2.00 Gts in the Sy.No.89/7AA, situated in the Kamsanipally Village, Uppununthala Mandal, Nagar Kurnool District, mentioned in the Pasupukunkuma Document dated 10.07.1994 executed by the petitioner's father-R4 at the time of petitioner's marriage and pass such other order...."

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

3. According to the petitioner, at the time of her marriage, her father agreed to give Ac.2.00 guntas of agricultural land in Sy.No.89/7AA of Kamsanipally Village, Uppununthala Mandal, Nagarkurnool District as pasupukumkuma. According to petitioner, recently her mother fell sick and hospitalized and she spent lot of money for treatment of her mother. However, her life could not be saved. After the death of her mother, the father of petitioner is now trying to sell the very same land. In such an event, grave prejudice would be caused to the petitioner. In this writ petition, petitioner seeks a direction to the registering authority not to entertain registration of land to the third parties.

4. The document relied upon by the petitioner is written on a white paper and signed, claimed to have been executed by the father is filed as Ex.P.1. The said document is not registered nor

consequential steps were taken to mutate the name of petitioner in the revenue records. As of now, the property stands in the name of father of petitioner.

5. Consequent to promulgation of Telangana Rights in Land and Pattadar Passbooks Act, 2020 (Act 9 of 2020), the competent authority to receive the deeds of conveyance or any other documents affected is divested from the Registrars of the Registration Department and vests in Tahsildar. The Tahsildar acts as a Registrar in processing the documents affecting the agricultural lands. Such applications have to be made through Dharani web portal and processing is also fully automatic. While processing the document for registration, the Tahsildar is required to verify whether the document complies the provisions of Indian Registration Act and the Indian Stamp Act and the person seeking to transfer ownership or create any lien or interest in the agricultural land, must satisfy the Tahsildar that he is the person owning the land and competent to deal with the property. Once the Tahsildar is satisfied about the competence of person executing the document, he cannot refuse to receive and process the document for registration.

6. When statute mandates a particular procedure required to be followed and vests power in the competent authority, this Court cannot direct the competent authority not to exercise statutory power vested in him. When a person claims legal right to property, intends to deal with the property in his best interest and is entitled to present the document creating interest to any other person, the Court cannot direct the registering the authority not to act upon such request, which is otherwise legal and valid.

7. What is sought by the petitioner in the writ petition is in the guise of seeking a declaration to hold that the petitioner is the owner of land to an extent of Ac.2.00 guntas of land in Sy.No.89/7AA of Kamsanipally Village, Uppununthala Mandal, Nagarkurnool District is vested in her, by virtue of document executed by her father on 10.07.1994 and which declaration cannot be given by the writ Court under Article 226 of the Constitution of India. As a corollary the Court also cannot give direction to the registering authority not to entertain the document, if it is otherwise in compliance of statutory requirements.

8. Thus, leaving it open to the petitioner to avail appropriate remedies as available in law to assert right and title over the land claimed by her in appropriate proceedings, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.


SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. One CC to Sri V. Anil Kumar Reddy, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies
4. One Spare Copy

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HIGH COURT

DATED:22/06/2021

ORDER

WP.No.13735 of 2021



DISMISSING THE WP
WITHOUT COSTS

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[Signature]
[Signature]