

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

**FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 26740 OF 2022

Between:

Buchanna, S/o, Late Lakshmanna, Aged about 61 years, Occ. Govt Employee,
R/o. H.No.4/46, Paipad Village, Waddepalli Maldal, Jogulamba-Gadwal District.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Revenue Department, Telangana Secretariat, Hyderabad
2. The District Collector, Jogulamba-Gadwal District, At Gadwal.
3. The Inam Tribunal-cum-Revenue Divisional Officer, Gadwal, Jogulamba-Gadwal District, At Gadwal.

...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 a writ of Mandamus declaring the inaction of the Respondent No.3 in taking up and deciding the inam application filed by the Petitioner for grant of occupancy rights, under the provisions of Telangana Abolition of Inams Act, 1955, in respect of the lands admeasuring Acs.2-00 gts in Sy.No.233 and admeasuring Ac.6-24 gts., in Sy.No.224 total admeasuring Acs.8-24 gts., situated at Maddur Village, Manopadu Mandal, Jogulamba-Gadwal District, as being illegal, arbitrary and unconstitutional, consequently direct the Respondent No. 3 to immediately initiate the proceedings to dispose of the said Inams application pending before The Respondent No.3, in respect of the said lands.

IA NO: 1 OF 2022

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 direct the Respondent No.3 to consider the representation dated 18.06.2022 submitted by the petitioner for taking steps to grant of Occupancy Rights Certificate (ORC) in favour of the Petitioner, under the provisions of Telangana Abolition of Inams Act, 1955 in respect of the lands admeasuring Acs.2-00 gts in Sy.No.233 and Ac.6-24 gts. in Sy.No.224 total admeasuring Acs.8-24 gts.,

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situated at Maddur Village, Manopadu Mandal, Jogulamba-Gadwal District,
pending disposal of the above writ petition.

Counsel for the Petitioner : SRI. V RAMAKRISHNA REDDY

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.26740 of 2022

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent No.3 in not taking up and deciding the inam application filed by the petitioner for grant of Occupancy Rights Certificate (ORC), under the provisions of the Telangana Abolition of Inams Act, 1955 (for short, 'the Act'), in respect of lands admeasuring Ac.2-00 guntas in Survey No.233 and land admeasuring Ac.6-24 guntas in Survey No.224, total Acs.8-24 guntas, situated at Maddur Village, Manopadu Mandal, Jogulamba-Gadwal District, as arbitrary and illegal and consequently direct respondent No.3 to immediately initiate the proceedings to dispose of the said inam application.

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

3. The grievance of the petitioner in this writ petition is non-consideration of the application submitted by him for grant of ORC under the provisions of the Act. The said application submitted in Form-1 was also acknowledged by

respondent No.3 on 14.03.2022. But, respondent No.3 failed to take any action on the application submitted by the petitioner.

4. When the matter is taken up for consideration today, learned Assistant Government Pleader for Revenue placed before this Court the instructions received from respondent No.3 herein, wherein it is stated that similar application filed by some third parties, as early in the year 2004, is pending for consideration in File No.B/1494/2004, dated 05.07.2004, and mother of the petitioner herein also raised objection in the said proceedings and several objections were also filed for grant of ORC in the said file No.B/1494/2004. During pendency of the said application filed by third parties, the petitioner herein submitted application on 14.03.2022 for grant of ORC in respect of land admeasuring Ac.8-24 guntas in Survey No.223 and 224, situated at Maddur Village, Manopadu Mandal, Jogulamba-Gadwal District. However, the previous application made by third parties and the application submitted by the petitioner could not be taken up because of the circular issued by the Chief Commissioner of Land Administration vide reference No.Assig-I(1)463/2020, dated 07.09.2020 and that the applications were awaiting for orders from the Collector, Jagulamba-Gadwal District.

5. The circular, dated 07.09.2020, which is relied upon by respondent No.3 for not considering the application of the petitioner, is a circular issued in respect of the appeals and the revisions that are pending under the provisions of the Telangana State Rights in Land and Pattadar passbooks Act, 1971 (for short 'the Act 1971') and the said Act 1971 is nothing to do with the applications filed for ORC under the Act, 1955 and this aspect of the matter is not disputed by learned Assistant Government Pleader for Revenue.

6. This Court also in similar circumstances has considered similar issue and has arrived at a conclusion that the said circular, dated 07.09.2020 has no application to the applications that are pending under the Act, 1955 and directed the respondent authorities to consider and pass appropriate orders on the applications submitted for grant of ORC.

7. In view of the above, this Writ Petition is disposed of directing respondent No.3 to forthwith take up application, dated 14.03.2022, submitted by the petitioner and also the earlier application stated to have been submitted by some third parties, which is pending in File No.B/1494/2004, and dispose of the same by affording reasonable opportunity to all the parties concerned, in accordance with law, and pass final orders

within a period of three (3) months from the date of receipt of a copy of this order.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Telangana Secretariat, State of Telangana Hyderabad
2. The District Collector, Jogulamba-Gadwal District, At Gadwal.
3. The Inam Tribunal-cum-Revenue Divisional Officer, Gadwal, Jogulamba-Gadwal District, At Gadwal.
4. One CC to SRI. V RAMAKRISHNA REDDY, Advocate. [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

SB



HIGH COURT

DATED:24/06/2022



ORDER

WP.No.26740 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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7/7/22
HSH