

**INTHE COURT OF THE STATE COMMISSIONER FOR RPwDS**

**AT MALAKPET, HYDERABAD**

**Present: Smt. B. Shailaja, M.A., LLB.,**

**Dated this the 9<sup>th</sup> Day of June, 2021**

**Case No.RPwD Act/126/2019**

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**Between:**

Sri.Daram Damodar,  
S/o Late Thirupathaiah,  
Ramnagar, Musheerabad,  
Hyderabad.

**.... PLAINTIFF**

**AND**

1. The Collector,  
Suryapet District.
2. Sri. Chilukuri Venkanna,  
S/o Sathaiah,  
R/o Ravulapally(V)  
Thungathurthy Tahsil,  
Suryapet District.
3. Sri. Chilukuri Sathaiah,  
R/o Ravulapally(V)  
Thungathurthy Tahsil,  
Suryapet District.
4. Tahsildar,  
Thungathurthy Tahsil,  
Suryapet District.

**.... DEFENDANTS**

**CLAIM:**

Direction to the concerned for restoration of possession &issuance of e-passbook for the land bearing Sy.No.78/AA2 extent of 0=34 ½ Gts. situated at Ravulapally (V), Thungathurthy Tahsil, Suryapet District, infavour of Plaintiff.

**ORDER:**

The Plaintiff has filed this Petition for recovery of possession & issuance of Pattadar Pass Book- cum-Title deed.

The plaintiff herein is the Pattedar & Possessor of the land mentioned in the above claim. The plaintiff seems to have given his patta land bearing Sy.No.78/AA2 extent of 0=34 ½ Gts. at Ravulapally (V), Thungathurthy Tahsil on kowl to the Respondents (2) & ( 3) during the year 2007. The

Plaintiff being disabled and is unable to visit to the village frequently for collection of kowl.

Moreover, the Kowldars (R2 & R3) were not paying the kowl regularly. As such the plaintiff decided to sell away the land. On hearing from the Plaintiff about sale of his land, the Respondents (2) & (3) have come forwarded to purchase & bargained with the plaintiff for Rs.18,500/- as sale consideration for 0=34 ½ Gts. at Ravulapally (V) and paid an amount of Rs.4000/- as an advance and taken signature on white paper as receipt which is under their possession. The plaintiff has accepted the sale consideration of Rs.18,500/- on 09.08.2007. The commitment of the Respondents was to pay remaining amount shall be paid within 25 days & get it registered. Again, they said to have paid Rs. 10,000/- on 16-08-2007 to Sri D. Kiran S/o the plaintiff and stated that they have taken his signature on backside of the paper. The same was denied by the both the plaintiff and his son. The said paper has no value in the eye of laws as it was time barred and Respondents did not paid the balance amount to the plaintiff nor get the said land registered within the stipulated time and not paid lease amount till date.

The Plaintiff has submitted a petition on 11.10.2017 with a request to issue Pattedar Passbook-cum-Title Deed to him, being a Pattedar & Possessor and having previous Patta Passbook and Title Deed. On receipt of application of the plaintiff the Respondent-4 ought to have conducted the enquiry while calling both the parties. But the Respondent-4 has simply issued Memo No. B/831/19, dt.10.07.2019 to the Additional Revenue Inspector to conduct enquiry. But the result is not known.

The Plaintiff shifted his family to Hyderabad for his medical treatment, as he is a patient and needs continuous treatment and is a PwD. The Plaintiff approached the Revenue Authorities for issuance of new Passbook.



Since the land is under the possession of 3<sup>rd</sup> party, the application could not be processed & kept in the bunch of Part-b applications (Dispute lands).

The official could not take any action though the name of plaintiff finds place in LRUP Pahani and also on online Pahani in respect of Sy.No.78/AA2 to an extent of 0=34 ½ Gts, situated at Ravulapally (V), Thungathurthy Tahsil, Suryapet District. The Tahsildar reluctant to take any action for issuance of Pattadar passbook-cum-Title Deed. The Petitioner has again filed a petition on 01.07.2019 with all the documents which he had in his possession.

The Plaintiff, being a PwD person approached the State Commissioner, RPwD with a petition and with enclosures. The State Commissioner, is being an authority under Section 80 of Rights of Persons With Disabilities Act, 2016 has taken up the case and forwarded the application to the District Collector, Suryapet District on 13.08.2019. According to above Act, the State Commissioner has to "inquire, suo motu or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action". U/s 80(b) of the Act.

However, neither the District Collector nor the Tahsildar, Thungathurthy Tahsil has initiated any action in respect of the grievance of a PwD person. This Court has issued summons from time to time and the Respondent (4) has submitted a report stating that the name of the Respondent (2) & (3) were recorded in possession column under Section 26 (1) of ROR Act. The Section quoted by the Tahsildar, Thungathurthy Tahsil does not pertain to record the name of a person in possession column without having any legal documents. This fact was also brought to the notice of the District Collector, Suryapet District on 28-02-2021 and also requested to take action against the concerned Tahsildar who has mis-lead the State



Commissioner. But the District Collector, Suryapet District did not take any action, moreover, the rectification was also not done in spite of correspondence made.

Hence, the State Commissioner has forced to invoke the powers vested as per the Section 80 (a), (b) and (c) of RPwD Act, 2016.

This Court has taken up the issue and issued summons to the plaintiff and Tahsildar (Respondent-4), Thungathurthy Tahsil. The Respondent-4 has attended the Court without any proper information and did not process the application of the petitioner for issuance of Pattadar passbook-cum-Title Deed. It is observed by this Court the Revenue Authorities have neglected the PwD person who is a legal Pattedar. Further, the case was heard in detail with plaintiff and the possessors (R2& R3) and witnesses.

The Plaintiff & Respondents were putforth their grievances in person. During the course of hearing the present occupiers of the land have showed a white paper as a receipt showing that an amount of Rs. 4,000/- and Rs. 10,000/- respectively stating that the amount is received by the plaintiff & his son towards sale of land. But Plaintiff denied the receipt of Rs.10,000/-. On perusal of paper it is neither a Sada Sale Deed nor an agreement of Sale which is a paper on which the signatures of the plaintiff and his son was obtained with a matter that the amount is received by the plaintiff for the sale of his land. The signature on the invalid paper cannot be taken into cognigence. That the Respondents 2 & 3 are in occupation of the land of the Plaintiff from 2007 for 14 years without paying a single pie to the legal pattedar towards kowl. The Revenue Authorities could not help the person who is disabled and a legal pattedar. During the LRUP the Tahsildar (Respondent-4) & his staff visited the village & verified the records. It is evident from the on line record that the Plaintiff is the Pattedar & possessor & PPB/TD were issued& 1-B also in the name of Plaintiff. The Tahsildar (Respondent-4) ought to have issued Pattedar Pssbook-cum-Title Deed to the

Plaintiff in respect of Sy.No.78/AA2 GET Acs.0=34 ½ situated at Ravulapally (V), Thungathurthy Tahsil, Suryapet District. Instead, the survey number was kept in part-B (Disputed land) and did not issue the Passbook -cum- Title deed to the petitioner. The Respondents have not paid the kowl amount to the petitioner for 14 years. The Tahsildar (Respondent-4) who is supposed to help the legal pattedar, neglected & failed to perform his legitimate duties.

The document which is shown by the Respondents does not have any sanctity, it may not be treated as 'Sadabinama' or Agreement of Sale, it is void in the eyes of law. As alleged by the Respondents, the so-called receipt is a sale deed in respect of suit land, if, it so, why they have kept quiet for 14 years without paying the remaining amount & to get it registered. It is clearly established that the ill-moto and criminal attitude of the Respondent (2) & (3) to grab the land of a disabled person. (The plaintiff herein)

That the District Collector, Suryapet District and the Tahsildar, Thungathurthy has to take action on the recommendations of the State Commissioner, as per the RPwD Act, 2016.

The Court has given several chances to the Tahsildar, Thungathurthy Tahsil who did not take any steps to issue the Pattedar passbook-cum-Title deed to the plaintiff herein, though he is a legal Pattedar in respect of Sy. No. 78/AA2 extent of 34 ½ Gts. situated at Ravulapally (V), Thungathurthy Tahsil. The District Collector, Suryapet District was also informed about the grievance of plaintiff, but no steps were taken for redress the grievance of the plaintiff.

In view of the above, this Court is of the considered view that the plaintiff deserves for restoration of possession & for issuance of Pattadar Pass Book- cum-Title deed. The Respondents (2) & (3) shall handover the possession of the above said land i.e., 0-34 ½ Gts to the petitioner which is under their encroachment. The Tahsildar, Thungathurthy Tahsil is hereby directed to rectify the record properly and see that the plaintiff is put in



possession of the said suit land & the Pattedar passbook-cum-Title Deed to be issued in respect of Sy. No. 78/AA2 extent of 0=34 ½ Gts. Situated at Ravulapally (V), Thungathurthy Tahsil. The Tahsildar may take assistance of concerned Police Authorities, if necessary.

The Tahsildar, Thungathurthy Tahsil has to send a Compliance Report to this Court within (30) days from the date of issue of this order.

This order is issued under my Hand & Seal, of this Court on this the 9<sup>th</sup> day of June, 2021.

  
**STATE COMMISSIONER**

**Copy Communicated to:**

1. Sri Daram Damodar, S/o Late Thirupathaiah, Ramnagar, Musheerabad, Hyderabad, Petitioner.
2. The Collector & District Magistrate, Suryapet District, to direct the Respondent-4, Thungathurthy Tahsil to implement the orders of the court - Respondent - 1.
3. The Tahsildar, Thungathurthy Tahsil - Respondent-4.
4. Sri. Chilukuri Venkanna, S/o Sathaiah, R/o Ravulapally(V), Thungathurthy Tahsil, Suryapet District - Respondent-2.
5. Sri. Chilukuri Sathaiah, R/o Ravulapally(V), Thungathurthy Tahsil, Suryapet District Respondent-3.
6. The SHO, Thungathurthy Police Station, with a direction to assist the Tahsildar, Thungathurthy Tahsil if required.