

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

TUESDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND NINETEEN
PRESENT

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

W.P.NOS. 3494 AND 3534 OF 2019

WRIT PETITION NO: 3494 OF 2019

Between:

Smt.Sailaja Sangamreddy, W/o.Sri.Prathap (Asst. Engineer) Aged. 42 years, Occu. House Wife, R/o.Mutcharla-Post, Hasnparthi-Mandal, Warangal district, Telangana Presently temporarily residing at C/o.Mallikharjuna Swamy Devasthanam, Komaravelli Village and Mandal, Siddipet-District-306355, Telangana

...PETITIONER

AND

1. The Joint Collector, Jangaon, District Jangaon Telangana
2. Revenue Divisional Officer, Jangaon, Jangaon District Telangana
3. The Tahsildar, Bachannapet, Mandal, Jangaon division, Warangal District, Telangana
4. Smt.S.Jyothi, W/o.Prakash, Aged. 58 years, Occu. House wife, R/o.H.No.16-6-185, Osmanpur, Chadraghat, Hyderabad 500024, Telangana
5. P.S. Neelima, W/o.Sriniva sulu, Aged. major, Occu. House wife, R/o. Boduppall, Hyderabad, Telangana (Respondent No. 5 is not necessary party to this petition)

...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 by calling for records of the lower authority and to declare the impugned common order passed by the 1st Respondent i.e., the learned Joint Collector, Jangaon in case No.B3/429/2016 and No.B3/428/2016 dt.05-07-2018 as arbitrary, illegal, unlawful and unconstitutional besides violative of provisions of ROR Act and the rules made there under from time to time and consequently confirm the order passed by the 2nd Respondent i.e., the learned Revenue divisional officer, Jangaon in Appeal case No.I/ 1074/2015 dt.15-09- 2016 by setting aside the order passed by the learned Joint Collector, Jangaon in case No.B3/429/2016 86 No.B3/428/2016 dt.05-07-2018

IA NO: 1 OF 2019

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 the order passed by the 1st Respondent in case B3/429/2016 and No.B3/428/2016 dt.05-07-2018 by restoring the order passed by the learned RDO, Jangaon in Appeal case No.I/1074/2015 dt.15-09-2016 pending disposal of the writ petition

Counsel for the Petitioner: SRI. VENKAT REDDY DONTI REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE (TG)

**Counsel for the Respondent No. 4: SRI D.V.N.ACHARYA
FOR SRI K.RAVINDER RAO**

WRIT PETITION NO: 3534 OF 2019

Between:

Smt.A.Sulochana, W/o.Hanmareddy, Aged. 65 years, Occu. House wife, R/o.Alwyn colony, II-Phase, H.No.102A, Kukatpally, Near Jalakanya Hotel, Hyderabad
Telangana.

...PETITIONER

AND

1. The Joint Collector, Jangaon, District Jangaon Telangana
2. Revenue Divisional Officer, Jangaon, Jangaon District Telangana
3. The Tahsildar, Bachannapet, Mandal, Jangaon division, Warangal District, Telangana
4. Smt.S.Jyothi, W/o.Prakash Aged. 58 years, Occu. House wife, R/o.H.No.16-6-185, Osmanpur, Chadraghat, Hyderabad 500024, Telangana
5. P.S.Neelima, W/o.Srinivasulu, Aged. major, Occu. House wife, R/o.Boduppall, Hyderabad, Telangana (Respondent No. 5 is not necessary party to this petition)

...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 by calling for records of the lower authority and declare the impugned common order passed by the 1st Respondent i.e., the learned Joint Collector, Jangaon in case No.B3/428/2016 and B3/429/2016 dt.05-07-2018 as arbitrary, illegal, unlawful and unconstitutional besides violative of provisions of ROR Act and the rules made there under from time to time and consequently to confirm the order passed by the 2nd Respondent i.e., the learned Revenue divisional officer, Jangaon in Appeal case No.I/1039/2015 dt.15-09-2016 by setting aside the common order passed by the learned Joint Collector, Jangaon in case No.B3/428/2016 and B3/429/2016 dt.05-07-2018

IA NO: 1 OF 2019

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 the order passed by the 1st Respondent in case No.B3/428/2016 and B3/429/2016 dt.05-07-2018 by restoring the order passed by the learned RDO, Jangaon in Appeal case No.I/1039/2015 dt.15-09-2016 pending disposal of the writ petition

Counsel for the Petitioner: SRI. VENKAT REDDY DONTI REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE (TG)

**Counsel for the Respondent No. 4: SRI D.V.N.ACHARYA
FOR SRI K.RAVINDER RAO**

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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.3494 and 3534 of 2019

COMMON ORDER:

Challenge in these two writ petitions is to the common order dated 05.07.2018 passed by the Joint Collector, Jangaon, in exercise of revisionary power under Section 9 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

The petitioner in W.P.No.3494 of 2019 is the third respondent in the two revisions while the petitioner in W.P.No.3534 of 2019 is the first respondent therein.

Heard Sri Venkat Reddy Donthi Reddy, learned counsel for the petitioners in both the writ petitions, and Sri D.V.N.Acharya, learned counsel representing Sri K.Ravinder Rao, learned counsel on caveat for the fourth respondent in the writ petitions, the petitioner in both the revision petitions. The fifth respondent in the writ petitions is shown as not a necessary party.

Perusal of the impugned revisionary order dated 05.07.2018 demonstrates that the Joint Collector, Jangaon, proceeded on the assumption that O.S.No.17 of 2009, being a partition suit, was pending before the learned Senior Civil Judge, Jangaon, and opined that when a civil case was pending between the parties, it would be appropriate for the authorities to wait for the outcome thereof and the decision of the civil Court. It is on this basis that he set aside the orders under revision and directed both parties to approach the competent civil Court for further redressal. He also directed the Tahsildar, Bachannapet Mandal, to restore the entries in the revenue records till the outcome of the proceedings before the competent civil Court.

Sri Venkat Reddy Donthi Reddy, learned counsel, would however inform this Court that the Joint Collector, Jangaon, was under a misconception as to the pendency of O.S.No.17 of 2009 on the file of the learned Senior Civil Judge, Jangaon. He placed before this Court a copy of the Lok Adalath Award dated 23.06.2012 passed in the said suit which demonstrates that the parties thereto settled their disputes by way of a compromise and a final decree for partition and allotment of the suit schedule properties therein was passed.

Be it noted that the parties to the revision petitions before the Joint Collector, Jangaon, were not parties to the aforesaid suit but it is stated that the predecessors-in-title were. In any event, the said suit is not pending as on date and the Joint Collector was factually incorrect in assuming so and directing that the revenue authorities must await the outcome of this litigation. Sri Venkat Reddy Donthi Reddy, learned counsel, would further state that no civil suit is pending between the parties as on date. Sri D.V.N.Acharya, learned counsel, also affirms this.

In that view of the matter, it is clear that the Joint Collector, Jangaon, the revisionary authority, disposed of the two revisions under a factual misconception as to the pendency of the partition suit in O.S.No.17 of 2009 on the file of the learned Senior Civil Judge, Jangaon. Irrespective of the relevance of the said suit to the revision cases, the fact now emerges that the said suit stood compromised under the Award dated 23.06.2012 passed by the Lok Adalath at Jangaon.

This Court is therefore constrained to hold that the revisionary order under challenge cannot be sustained when it was passed on such factual misconceptions.

The writ petitions are accordingly allowed setting aside the common order dated 05.07.2018 passed by the Joint Collector, Jangaon, in both the revision petitions. The revisions shall stand remanded to the said revisionary authority for consideration afresh on merits and in accordance with law. It is made clear that this Court has not gone into the merits of the matter and it is for the revisionary authority to adjudicate the issues arising therein uninfluenced by this order. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a copy of this order, be it from whatever source.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**SD/-K.SAILESHI
ASSISTANT REGISTRAR**

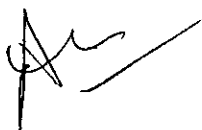
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SECTION OFFICER

To,

1. The Joint Collector, Jangaon, District Jangaon Telangana
2. Revenue Divisional Officer, Jangaon, Jangaon District Telangana
3. The Tahsildar, Bachannapet, Mandal, Jangaon division, Warangal District, Telangana
4. One CC to Sri Venkat Reddy Donthi Reddy, Advocate, (OPUC)
5. Two CCs to GP for Revenue (TG), High Court of Judicature at Hyderabad., (OUT)
6. One CC to Sri K.Ravinder Rao, Advocate, (OPUC)
7. Two CD Copies

mbs



HIGH COURT

DATED:05/03/2019

COMMON ORDER

W.P.NOS. 3494 AND 3534 OF 2019



**ALLOWING THE WRIT PETITIONS
AT THE STAGE OF ADMISSION
WITHOUT COSTS**

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PKMA
DT. 15/03/2019