

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION Nos.279 & 1700 of 2010

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Date:31.12.2014

Between:

Samala Raji Reddy and another.

..... Petitioners.

AND

The Joint Collector-1, Ranga
Reddy District and others.

.....Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION Nos.279 & 1700 of 2010

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COMMON ORDER:
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Petitioners in both the revisions are respondents
1 & 2 in Case Nos.F1/2071/2009 & F1/2072/2009, dated
02-01-2010, on the file of Joint Collector-1, Ranga Reddy
District and respondents 3 & 4 in CRP No.279/2010 are
appellants in Case No.F1/2072/2009 & respondents 3 to 6
in CRP No.1700/2010 are appellants in Case
No.F1/2071/2009, dated 02-01-2010.

2. Both the revisions are filed by the petitioners
challenging the above orders dated 02-01-2010 on the file

of Joint Collector-I, Range Reddy, whereunder the lower authority has condoned delay in filing the appeals.

3. Brief facts leading to these two revisions are as follows:-

According to revision petitioners, the petitioners herein filed the above application contending that the orders of the lower authority in File Nos.J/2892/93 & J/2894/93, dated 25-08-1993 are obtained without their knowledge and they came to know about the orders only on 10-02-2009 when the revision petitioners herein tried to erect a fence by showing the said order and on that, they preferred the appeals. The learned appellate authority i.e., Joint Collector, Ranga Reddy District, after considering the material held that there is *prima facie* fraud in obtaining Occupancy Right Certificates from the lower Court, therefore, a detailed examination of the issue is required and considering the same, condoned delay in preferring the appeals and allowed the applications. Aggrieved by the same, present revision are preferred.

4. Heard the arguments.

5. Advocate for revision petitioners contended that the lower authority granted occupancy right certificates in the year 1993 and after lapse of 15 years, the respondents 3 & 4 have filed this application and the Joint Collector, without any valid reason and without any sufficient cause, condoned long delay of 15 years. He submitted that the respondents 3 & 4 sold the property to the petitioners, therefore, they cannot contend that they have no knowledge and therefore, the order of the Joint Collector is not legal. He relied on a decision in **Koyya Veerraju vs. Mandal Revenue Officer, Gollaprolu**^[1] whereunder this Court observed that *suo motu* powers can be exercised within a reasonable time, but

not after long time and in that case, delay of 25 years is condoned, which was found incorrect by this Court, while exercising the powers under Article 226 of the Constitution of India. In that case, the mutations and alienations were questioned, after long delay and considering those facts, this Court observed keeping silent for over a decade is not correct and it is not open to question the mutations and alienations.

6. In this case, as seen from the material papers and the affidavit of the respondents 3 & 4, they came to know about the orders of the lower Court only on 10-02-2009 when the petitioners herein tried to erect fencing over the land by showing the orders of the lower Court. Objection is taken in the counter contending that the petitioners failed to explain day to day delay in filing the appeals and that the first respondent i.e., third respondent herein was in abroad on 10-02-2009 and disputed erection of fencing on 10-02-2009 is incorrect.

But the fact remains though an order was obtained in the year 1993 till 2009, there was no attempt to put any fencing or enter into the disputed land. When the affidavit of the respondents 3 & 4 disclose that they have knowledge only on 10-02-2009 about this impugned order dated 25-08-1993, no material is produced to show that the respondents 3 & 4 i.e., petitioners before the Joint Collector have knowledge of the orders dated 25-08-1993 prior to 10-02-2009. When valuable rights are involved and when the appellate authority clearly held that there is *prima facie* fraud in obtaining occupancy right certificates dated 25-08-1993, the matter requires a thorough enquiry on the ground of technicalities, such valuable rights cannot be left unheard, particularly when the lower authority observed that there is *prima facie* material for fraud. Considering these aspects, I am of the view that learned Joint Collector has rightly condoned delay and gave opportunity to respondents 3 & 4 herein to challenge

the impugned order dated 25-08-1993 through which, occupancy right certificates were granted in favour of the revision petitioners herein. However, since the matter is old, I feel that a time frame has to be fixed to the appellate authority for deciding the matter to show that no further loss of time would occur.

7. For these reasons, revisions are dismissed confirming the order of the Joint Collector, Ranga Reddy District, dated 02-01-2010 and the Joint Collector is directed to dispose of the appeals, within three months from the date of receipt of this order, without being influenced by any of the observations made in this order. No costs.

8. As a sequel, miscellaneous petitions, if any, pending in these Civil Revision Petitions, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:31.12.2014

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