

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.24608 OF 2014

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of respondent No.1 in allowing the revision petition filed by respondent No.2 vide proceedings No.F2/7209/2008, dated 24.07.214, as arbitrary and illegal.

2. The facts of the case are that the petitioner purchased land to an extent of Ac-4.00 guntas in survey Nos.225, 228, 229 and 231 situated at Pittampally Village, Chityal Mandal, Nalgonda District from respondent Nos.3 and 4 herein through a Sada sale deed. After purchase of the same, the petitioner made an application under Section 5-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') seeking regularization of Sada Sale Deed for mutation of his name in the revenue records. Respondent No.5, after due enquiry, passed an order on 31.12.2007 for regularization of Sada Sale Deed and for grant of pattadar pass book in his favour. Aggrieved by the said regularization order, respondent No.2 herein i.e., wife of late Buchaiah, who is brother of respondent Nos.3 and 4, filed revision petition before respondent No.1-Joint Collector alleging that respondent No.5-Tahsildar, who had knowledge about pendency of civil dispute between the petitioner and respondent Nos.2 to 4 before Junior Civil Judge, Ramannapet vide Original Suit No.144 of 2006, ought not to have exercised the powers under Section 5-A of the Act. After accepting the contention of respondent No.2 herein, revision petitioner herein and others, respondent No.1 herein set aside the order, dated 31.12.2007. While doing so, respondent No.1 relied upon a judgment of this Court reported in 2007 (3) ALD 391 wherein this Court held that the recording authority ought not to have entertained regularization of

Sada sale deed in case of a civil dispute pending between the parties.

3. Learned counsel for the petitioner contended that regularization of Sada sale deed on 31.12.2007, which was granted by respondent No.5, is totally in violation of the interim order, dated 22.09.2006, in I.A.No.477 of 2006 in Original Suit No.144 of 2006 passed by the Junior Civil Judge, Ramannapet, which is subsisting by the date of passing of said order.

4. This Writ Petition came up for extension of interim orders. With the consent of both parties, the main Writ Petition itself is being disposed of.

5. Faced with the adverse Rule position and the adverse decision, holding that in case of dispute, the power of regularization of Sada sale deed could not have been exercised by respondent No.5.

6. Learned counsel for the petitioner clearly submits that the petitioner may be given liberty to agitate his right before the competent Civil Court. In such circumstances, without expressing any opinion with regard to the rights of parties, liberty is given to the respective parties to work out their remedies before the competent Civil Court in pending suits. However, it is made clear that the order passed by respondent No.1 cannot be suspended in view of settled legal position. Therefore, there is no infirmity in the impugned order so as to call for interference by this Court.

7. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, of any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

MARCH 06, 2015

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WRIT PETITION No.24608 OF 2014

DATE: 06.03.2015

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