

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

WRIT PETITION No. 35983 of 2015

BETWEEN

Sohel Zubdath Saira

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 07.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:

Heard.

2. Petitioner questions the order of the Joint Collector, Ranga Reddy District, third respondent, in File No.F1/4059 of 2012 dated 27.09.2014, which was an appeal under Section 24 of the A.P. (Telangana Area) Abolition of Inams Act, 1955 preferred by respondent Nos.5 to 20 herein, questioning the Occupancy Rights Certificate (ORC) granted in favour of respondent Nos.2 to 5 in the appeal before the Joint Collector, who are also arrayed as respondent Nos.21 to 24 in this writ petition. The facts of the case show that respondent Nos.21 to 24 herein were granted ORC by the Revenue Divisional Officer (RDO), West Division, Ranga Reddy District in File No.L/7651/93 dated 28.01.1994 and aggrieved by the same, respondent Nos.5 to 20 approached the Joint Collector by filing the aforesaid appeal.

3. Petitioner claims that she had purchased the property covered by the said ORC from respondent Nos.21 to 23 under a registered sale deed dated 26.08.1994 under document No.7247 of 1994.

However, petitioner was not notified nor was aware of the pendency of the appeal preferred by their vendors and as such, she had no occasion to participate in the appeal before the Joint Collector.

It is also stated that none of the vendors of the petitioner appeared before the Joint Collector defending the ORC and ultimately under the impugned order of the Joint Collector, the ORC granted in favour of petitioner's vendors was set aside and the matter was remitted to the RDO, Rajendranagar Division for fresh consideration by conducting an appropriate enquiry and by giving notice to all the concerned and opportunity of hearing. Questioning the said order, the present writ petition is filed.

4. Since the impugned order is dated 27.09.2014, learned Government Pleader for Revenue was asked to get instructions as to whether the proceedings after remand are pending with the RDO, Rajendranagar Division. Learned Government Pleader, on instructions, submits that the enquiry is still pending and is under progress.

5. Since the RDO is already conducting the enquiry as per the directions of the Joint Collector and since the impugned order of the Joint Collector is dated 27.09.2014, in my view, it would not be just and appropriate to interfere with the said appellate order on the ground that petitioner was not heard while passing the impugned order, particularly, as the petitioner has an appropriate opportunity to raise her contentions in the present enquiry pending before the RDO, Rajendranagar.

The writ petition is, therefore, disposed of giving liberty to the petitioner to get herself impleaded in the said enquiry pending before the RDO, Rajendranagar and shall raise all her contentions in support of her case, which shall also be taken into consideration by the RDO, and only after opportunity to the petitioner also, the RDO, Rajendranagar shall complete the enquiry and pass appropriate orders as already directed by the Joint Collector. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 7, 2015

Note:-

Furnish copy by 09.11.2015.

{B/o} LMV