

THE HONOURABLE MR JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.115 of 2014

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ORDER

This Revision is filed under Article 227 of the Constitution of India challenging the order dated 23.11.2013 passed by the Joint Collector-I Ranga Reddy District in File No.F1/2904/2007 setting aside the orders of the second respondent dated 16.09.1994 in File No.J/718/1994 granting Occupancy Right Certificate in favour of respondents 4 to 19 and remanding the matter to the second respondent to re-examine the classification of the lands in question and also to verify whether the provisions of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'), applies to the subject land.

2. Heard Sri B. Venkat Rama Rao, learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 and 2 and Sri M.V.Durga Prasad, learned counsel for respondent No.3.

3. The parties are interested in land in Sy.No.222 of Gajularamaram Village of Quthbullapur Mandal, Ranga Reddy District. Respondents 4 to 19 had been given an Occupancy Right Certificate under the provisions of the Act by the second respondent vide proceedings dated 16.09.1994 in File No.J/718/1994. This was questioned by the third respondent and two others, by name, Syed Akbar and Mohd. Ashraf Khan before the first respondent in statutory appeals under Section No.24 of the Act. Those appeals were numbered as Appeal Nos.F1/2329/99, F1/2327/99 and F1/2328/99. One K. Chandrasekar Rao also filed an appeal in File No.F1/4750/2001 against the same order dated 16.09.1994. While

K. Chandrasekar Rao claims to be an agreement holder under an agreement dated 07.09.1981, the third respondent claims to be a purchaser from the Inamdar/pattedar and the petitioners herein claim

to be assignees from respondents 4 to 19, who have been granted Occupancy Right Certificate by the second respondent.

4. By order dated 29.06.2004, the appeal in File No.F1/4750/2001 was allowed by the first respondent and the matter was remanded back to the second respondent for fresh consideration and passing of orders on merits. Likewise, on 21.09.2004, the first respondent also allowed the appeals in File Nos.F1/2327/99, F1/2328/99 and F1/2329/99 and set aside the order dated 16.09.1994 of the second respondent granting Occupancy Right Certificate to respondents 4 to 19 and remanded back the matter to the second respondent to dispose of the case along with the appeal in file No.F1/4750/2001.

5. The petitioners herein filed C.R.P.Nos.6656, 6657 of 2004 and 458 of 2005 challenging the order dated 21.09.2004 in the appeals in File Nos.F1/2327/99, F1/2328/99 and F1/2329/99.

6. One Smt. Mannava Kamala Devi and another, who also claim to be the transferees of the Occupancy Right Certificate holders, filed C.R.P.No.4601 of 2005 questioning the order dated 29.06.2004 in File No.F1/4750/2001.

7. On 27.01.2006, C.R.P.No.4601 of 2005 was allowed and the order of the first respondent dated 29.06.2004 in File No.F1/4750/2001 (appeal filed by Chandrasekar Rao) was set aside and the matter was remitted back to the first respondent to pass order on merits.

8. Later, C.R.P.Nos.6656 and 6657 of 2004 and 458 of 2005 came up for hearing. On 11.06.2007, this Court allowed these Civil Revision Petitions also along with others and passed the following order;

“All these civil revision petitions are filed against common order dated 21.09.2004 passed by the Joint Collector, Ranga Reddy District, in purported exercise of power under Section 24 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955. As the point is squarely covered by an earlier order of this Court dated 27.01.2006 in C.R.P.No.4601 of 2005 –which fact is not denied nor disputed by the arguing counsel-it is not necessary to elaborate the background of the cases. Following the order of this Court dated 27.01.2006 in C.R.P.No.4601 of 2005, all these civil revision

petitions are allowed and all the matters are remanded to the Joint Collector, Ranga Reddy District, with a direction to pass a comprehensive order on merits within a period of two weeks from the date of receipt of a copy of this order, after giving notice to all the parties”.

9. Thus, after remand, all the appeals i.e., those filed by Chandrasekar Rao, Syed Akbar and Mohd. Ashraf Khan and the third respondent were required to be decided by a single comprehensive order on merits after giving notice to all the parties including the petitioners in this Civil Revision Petition.

10. However, in total defiance of this order, the appeal in File No.F1/2329/1999 filed by the third respondent (which had been re-numbered as file No.F1/2904/2007) was segregated from the other appeals by the first respondent and an order dated 23.11.2013 has been passed therein, which is impugned herein.

11. When this Court had specifically directed in its order dated 11.06.2007 in C.R.P.Nos.6656 of 2004 and batch to pass “a comprehensive order”, the obvious inference is that all the appeals were to be jointly decided by the first respondent by a single order. It is most unfortunate that the first respondent has ignored the direction of this Court, separated the appeal in File No.F1/2329/99 (Case No.F1/2904/2007) and passed the impugned order.

12. That apart, it is the grievance of the petitioners that they had engaged a counsel in the proceedings before the first respondent after remand and had also filed written arguments before him. Certified copies of docket proceedings of the first respondent in the appeals have been produced before me, which support this contention. They indicate that on 15.12.2007, one K. Laxman Rao had filed vakalat on behalf of the petitioners.

13. Strangely, the impugned order states that the petitioners herein, who were petitioners in C.R.P.No.6657 of 2004, in spite of giving several opportunities, did not turn up; that they did not file any representation or counter to the written arguments filed by the third respondent; and that they did not pursue their case. The order also

records that a paper notification was issued by the first respondent in Eenadu Telugu daily on 04.06.2012 informing the petitioners about the date of hearing.

14. Nowhere the order of the first respondent refers to the fact that the petitioners had engaged K. Laxman Rao, Advocate, or that any notice was issued to the said Advocate to appear on a specific date for hearing. This kind of implementation of the directions of this Court by the first respondent gives rise to a strong suspicion about his bonafides to decide the matter on merits in a just manner.

15. In view of these infirmities in the impugned order, I am of the opinion that the impugned order cannot be allowed to stand and it is, accordingly, set aside. The matter is remanded back to the first respondent to pass fresh orders in this appeal as well as other connected appeals in strict compliance with the order dated 11.06.2007 in C.R.P.Nos.6656 of 2004 and batch. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

16. In view of the willful disobedience of the order dated 11.06.2007 in C.R.P.Nos.6656 of 2004 and batch, the Registrar (Judicial) shall issue a notice to Sri M.C.Lal, IAS, who was the then Joint Collector-I, Ranga Reddy District and who had passed the impugned order, and serve notice on him through the Office of the Chief Secretary, State of Telangana, Hyderabad, to show cause why proceedings for contempt of Court should not be initiated against him for willful and deliberate violation of the order dated 11.06.2007 in C.R.P.Nos.6656 of 2004 and batch.

17. The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

5th June, 2015

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