

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

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WRIT PETITION No. 28696 of 2015

BETWEEN

Bheema Posavva and another

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 09.09.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Petitioners question the order passed by the Revenue Divisional Officer (RDO), Mancherial, in Proc.No.G/2729/2015 dated 10.07.2015 whereby on an application made by the fourth respondent, mutation granted in favour of the first petitioner and her sister-Bolishetti Rajeswari ordered by the Tahsildar in Proc.No.ROR/6A/MANCHERIAL/280/2013 dated 29.10.2013 was set aside and the matter was remanded back for conducting fresh enquiry.

3. Learned counsel for the petitioner places strong reliance upon decision of this court reported in ***Kencharayappa v. State of A.P.***^[1] and contends that merely on an application such proceeding could not have been entertained by the third respondent and the same could not have been confirmed by the second respondent as neither of them have jurisdiction. Learned counsel also contends that the present proceedings are issued at the instance of the fourth respondent, who is stated to be the wife of an MLA and in view of that seeks to impugn both the said orders in this writ petition.

4. Learned Government Pleader for Revenue has received instructions in the matter, which *inter alia* states that the petitioners have already questioned the said orders by filing a revision petition, which is pending before the Joint collector viz., Revision No.D/3517/2015 and in view of that parallel proceedings in this writ petition could not have been taken up by the petitioner.

5. Learned counsel for the petitioners fairly accepts that the petitioners have filed a revision and that the first petitioner is directly affected party and the second petitioner is the husband of the sister of the first petitioner viz., B.Rajeswari and the lawful order passed in their favour by the Tahsildar could not have been set aside by him on a mere application and could not have been confirmed by the RDO.

6. In my view, learned Joint Collector before whom the petitioners' revision, as above, is pending, can as well go into the question, examine the matter, and issue appropriate directions. Since the Joint Collector has already seized of the revision under Section 9 of the A.P.Record of Rights in

Land and Pattadar Passbooks Act, 1971,

which gives wide jurisdiction to the revisional authority, it is not necessary to entertain the writ petition.

7. However, since the petitioner apprehends that the entries in their favour may be deleted by incorporating the name of the fourth respondent, pending consideration of the revision it is appropriate that *status quo* regarding the entries, as existing as on today, to be maintained till the learned Joint Collector fixes a date, hears the parties, and passes appropriate orders in the revision or in the interlocutory applications filed therein.

8. Since the learned Joint Collector is not made a party to this writ petition, the writ petition is disposed of *suo motu* impleading the Joint Collector, Adilabad, as a party, before whom the said revision is pending, and the Joint Collector is accordingly directed to fix an early date in the revision and pass appropriate orders after hearing all the parties as expeditiously as possible.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

September 9, 2015

LMV

[\[1\]](#) 2015(2) ALT 526