

HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.18456 of 2004

Date: 27.01.2015

Between:

Maddi Bikshapathi

... Petitioner

And

The District Revenue Officer, Warangal
Warangal District & others

... Respondents

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HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.18456 of 2004

ORDER:

The petitioner challenges the order dated 28.02.2004 passed by the District Revenue Officer, Warangal District, in exercise of revisionary power under Section 166 B of the A.P. (Telangana Area) Land Revenue Act 1317, *Fasli*.

2. The petitioner claims to have purchased residential plots in Sy.No.148 of Bhemaram Village, Warangal District, under registered sale deeds in the year 1993. The subject plots were part of a larger extent which originally belonged to one Pulla Laxmaiah and was sold to one Billa Ranga Reddy. His successors-in-title, being Billa Ramana Reddy and Billa Dharma Reddy, plotted the land into a lay out after obtaining necessary permission from the Gram Panchayat and sold the plots to various individuals, after which second and third sales also took place. While so, it appears that the 4th respondent herein filed a

revision petition under Section 166 B of the A.P. (Telangana Area) Land Revenue Act 1317, *Fasli*, before the District Revenue Officer, Warangal, wherein he only arrayed Billa Dharma Reddy and Billa Ramanareddy as parties. It is the case of the petitioner that the said individuals had died and the impugned order dated 28.02.2004 was passed by the Revisionary Authority against dead persons, without giving notice or opportunity of hearing to the persons who were actually in possession of the subject land, including the petitioner.

3. Taking note of this aspect, the impugned order dated 28.02.2004 was suspended by this Court on 11.10.2004, as it was in violation of the principles of natural justice. Despite service of notice, the 4th respondent has not chosen to enter appearance. The counter-affidavit filed by the District Revenue Officer, Warangal, is significantly silent as to the purchase allegedly made by the petitioner of the subject plots under registered sale deeds. It is therefore clear that the Revisionary Authority did not apply his mind to the factual position obtaining on the ground as regards the subject land and passed the impugned order dated 28.02.2004 without giving due and proper opportunity to the affected persons. This order is therefore in utter violation of the principles of natural justice and cannot be sustained. The same is accordingly set aside. It shall be open to the authorities to take fresh steps, if warranted, in accordance with law and in compliance with the principles of natural justice.

4. The writ petition is therefore allowed. Pending miscellaneous petitions, if any, shall stand closed in view of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 27.01.2015

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