

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P.No. 21972 of 2004

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DATE: 09.06.2015

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Between:

Syed Zamin Hussain .. Petitioner

and

The Joint Collector

and ten others .. Respondents

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ORDER:-

The petitioner claims to be absolute owner of an extent of Ac.4.33 cents of land in Sy.Nos.83 and 84 situated in Upperpalli village, Rajendranagar Mandal, Ranga Reddy District which was allotted to him by the Receiver-cum-Commissioner vide proceedings dated 14.05.1963 by virtue of decree dated 05.03.1959 passed by this

Court in C.S.No. 13 of 1958. It is stated that the petitioner is the legal heir of the deceased Salar Jung to whom the property originally belongs. While so, it is stated that the 2nd respondent-Mandal Revenue Officer, without issuing any notice to the petitioner, granted patta to the 6th respondent by proceedings dated 01.02.1991. Now, the grievance of the petitioner is that when the petitioner challenged the proceedings of the 2nd respondent by way of filing Revision in Case No.D5/7096/2000 under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for brevity "the Act"), the 1st respondent, without appreciating the material on record and without application of mind, passed a non-speaking order dated 31.08.2004 dismissing the revision. Hence, the present writ petition is filed seeking to quash the order dated 31.08.2004 passed by the 1st respondent.

The 9th respondent has filed a detailed counter denying various averments made in the writ affidavit and contended that the petitioner is not the 96th defendant and legal heir of Salar Jung as he would be aged only 12 years by the date of filing C.S.No. 13 of 1958. Further, occupancy certificate was also granted in favour of the 6th respondent on 14.05.1979 in respect of the subject land and the petitioner was aware of the grant of occupancy right certificate and did not chose to challenge the same. The 7th respondent sold the land to the 6th respondent and others under private sale deed dated 15.07.1979 for a sum of Rs.55,000/- and put them in possession. On 01.08.1989, the 6th respondent and others filed an application to the 2nd respondent under Section 5-A of the Act for regularization of the sale effected by an unregistered sale deed. The 2nd respondent, after holding enquiry and after issuing due notices to all concerned, regularised the sale on 01.02.1991, and thereafter, the 9th respondent purchased the same from the 6th respondent and others under different registered sale deeds. Therefore, the 9th respondent

is in possession and enjoyment of the land. Further, it is stated that the 11th respondent filed O.S.No. 281 of 2006 for declaration and the petitioner filed I.A.No. 64 of 2013 therein seeking to implead himself as a party in the suit and the same is pending.

All these would indicate that there is a substantial dispute with regard to the very title of the property and the subject matter is purely civil in nature and the remedy of the petitioner is elsewhere. In that view of the matter, the petitioner cannot seek any relief in the present writ petition.

Hence, the writ petition is dismissed, however it is left open to the petitioner to work out civil remedies as may be available to him under law. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petition, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

09.06.2015

bcj