

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.40880 OF 2014

ORDER:

This Writ Petition is filed challenging the inaction of the 4th respondent in considering the representation dated.22.10.2014 submitted by the petitioner for cancellation of the patta issued in favour of the 5th respondent vide Proceedings in Dis.No.B1/2031/2009, dated 15.02.2010.

It is the case of the petitioner that one Thippani Yadagiri, his son Chandrasekhar and daughter Kalpana were the pattadar, possessor and enjoyment of the agricultural land to an extent of Ac.0.20 gts., in Sy.No.579/A, 580/A and 581/A of Urus Village of Warangal Mandal and District and they offered to sell the said land and in pursuance of the said land, the petitioner agreed to purchased the same and accordingly the above said pattadars have executed different agreements of sale dated 18.3.2005, 18.3.2005 and 24.3.2005 in favour of the petitioner and his wife and daughter for an extent of Ac.0.04 gts., in Sy.No.581/A of Urus Village of Warangal Mandal and District and the petitioner and his wife paid the entire sale consideration to the above said pattadars, but they failed to register the sale deeds in favour of the petitioner and his wife and daughter. Thereafter, the petitioner, his wife and daughter filed a suit in O.S.Nos.555, 556 and 557 of 2005 on the file of II Additional Junior Civil Judge, Warangal for specific performance. Along with the suit, the petitioner also filed an Interlocutory Application in I.A.Nos.1297, 1301 and 1299 of 2005 respectively for injunction not to alienate the suit land and the same were dismissed by the Court below and aggrieved thereby the petitioner filed C.M.A.Nos.531, 569 and 604 of 2005 before this Court and this Court granted injunction restraining the above said patadars from alienating the suit schedule property and the suits are pending for consideration. While so, the above said

pattadars have sold an extent of Ac.0.08 gts in Sy.No.579/A1 in favour of the 5th respondent in the year 2008 and basing on the application of the 5th respondent, the 4th respondent without following the due procedure contemplated under the ROR Rules vide proceedings dated 15.02.2010 entered the name of the 5th respondent. Thereafter, the petitioner brought the said fact to the notice of the respondents 2 to 4 and requested them to cancel the proceedings dated 15.2.2010 of the 4th respondent and even after repeated requests of the petitioner, the respondents 2 to 4 did not choose to take any steps and hence the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that even though the petitioner submitted a representation on 22.10.2014 to the 4th respondent seeking cancellation of patta issued in favour of the 5th respondent, the 4th respondent did not choose to consider the representation of the petitioner so far and hence he prays to allow the writ petition.

On the other hand, the learned Assistant Government Pleader for Revenue (Telangana) submits that the orders passed by the 4th respondent are appealable under Section 5 (B) of the Act and the petitioner may be directed to avail the remedy of appeal.

Having regard to the facts and circumstances of the case and as there is an alternative remedy available to the petitioner, the writ petition is disposed of directing the petitioner to approach the 3rd respondent-RDO by preferring an appeal against the order dated 15.2.2010 of the 4th respondent. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated:20.02.2015.

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