

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.3320 of 2007

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Date:05.06.2015

Between:

Yadagiri and others.

... Petitioners.

AND

Mohd. Badiuddin and others.

...Respondent.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.3320 of 2007

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ORDER:

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This revision is preferred against order dated 22-05-2007 in Case No.F/3/5262/2000-F3/51/Ten/2000 on the file of Joint Collector, Medak at Sanga Reddy.

2. Brief facts leading to this revision are as follows:-

Revision petitioners herein are respondents in the appeal before the Joint Collector and the respondents herein are the appellants. As seen from the impugned order, it appears the appeal preferred by respondents herein, who claims as land owners was dismissed and they filed an affidavit dated 15-09-2000 with a request to restore appeal bearing No.1/1996 to its original number and allow them to bring the appellants 3 to 6 as L.Rs of deceased-second appellant as they have interest over the subject matter of the land and that the Joint Collector, by impugned order, dated 22-05-2007, allowed the main appeal itself by setting aside the order of the R.D.O., dated 21-01-1992. The grievance of the revision petitioners is that the revision petitioners herein are protected tenants of land in survey No.57, 58, 60 & 65 of Jagdevapur Village for more than 60 years and the Joint Collector, without considering the provisions under Sections 34, 35, 36, 37, 37-A and 38 of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as 'Act, 1950') passed the impugned order and that the order of the Joint Collector is liable to be set aside.

3. On the other hand, Advocate for respondents supported the order of the Joint Collector.

4. Now the point that would arise for my consideration in this revision is whether impugned orders of the Courts below are legal, proper and correct?

5. **Point:-** As seen from the impugned order, it appears that the order of the R.D.O., in File No.C3/16/84, dated 27-04-1986 was set aside and the matter was remitted back for denova enquiry to determine whether the respondents herein are the land holders and whether they require the land in good faith for personal cultivation and the R.D.O., confirmed the earlier orders as both parties have not evinced any interest nor produced any evidence though the matter was kept for about six years and that order was challenged in the appeal before the Joint Collector. As seen from the impugned order, it appears that appeal was dismissed for default and an application was filed for restoration with a prayer to permit the appellants to bring the L.Rs of the deceased-second appellant and the Joint Collector has disposed of the main appeal itself and allowed the appeal without passing any orders on the restitution petition and L.R Petition. As seen from the material, the Joint Collector, without verifying whether the L.Rs of the deceased were served with notices or not, and without following the procedure in a cryptic way, decided valuable rights of parties, which in my view is absolutely illegal. As rightly pointed out by Advocate for revision petitioners the order of the Joint Collector is in clear violation of principles of natural justice and violation of procedure contemplated for an enquiry under Act, 1950.

6. For these reasons, I am of the view that the impugned order is liable to be set aside and the matter has to be remitted back to the Joint Collector with a direction to strictly follow the procedure both for impleading L.Rs, restoration of appeal and then decide the appeal, after giving opportunity for both the parties and to find out whether the lower authority i.e., R.D.O., has followed the procedures under Sections 34, 35, 36, 37, 37-A and 38 of Act, 1950. As this is a old matter, I feel that some time has to be stipulated for disposal. Hence the Joint Collector is directed to dispose of the matter within eight months from the date of receipt of this order. Registry shall

communicate the order along with the records.

7. Accordingly, Civil Revision Petition is ordered.

No costs.

8. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:05.06.2015

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