

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 82 of 2005

Dt:03.09.2015

Between:

M.Sitarama Raju and others.

... Appellants

And

The Collector, Ranga Reddy and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 82 of 2005

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JUDGMENT: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 17.12.2004, passed in W.P.No.23476 of 2004 filed by the appellants, whereby their petition has been dismissed. In the writ petition, the appellants impugned the letter, dated 27.09.2002, issued by respondent No.1-Collector and consequently sought direction to the respondents not to effect the changes in the revenue record in respect of the land admeasuring Acs.51.18 guntas in Survey Nos.10, 13, 14, 16 and 17, situated at Nagireddyguda Village, Moinabad Mandal, Ranga Reddy District (for short 'the said land').

The appellants claim that they purchased the said land by registered sale deed in 1981 from one Chenchu Punnamma. The said Punnamma in turn had purchased this land through a registered deed in the year 1966 from the original land owner, namely Mohd.Mirza, the declarant in CC No.CH/2961//75. In this backdrop, we proceed to examine the impugned letter. The letter reads thus:

“To
The MRO,
Moinabad Mandal.

Sir,

Sub: AP.LR.(COAH) Act, 1975-Declaration filed by Mohd.Mirza declared as surplus holder-Surrendered lands in Nagireddyguda Village in 1977 Entries in Village record-Req-

Reg.

1 . L R T Hyderabad West Proc.No.2961/Ch/75,
Dt.20.02.1976.

2. A/o Mohd.Mirza 27/01/1977.

I invite your attention to the reference cited and inform that Mohd.Mirza declarant in C.C.No.Ch/2961/75 who was declared as surplus holder to an extent of 4.7947 S.H. has surrendered an extent of Ac.73.35 guntas in Nagireddyguda Village in the year 1977. It come to our notice that the entries are not taken in the village record to this effect so far. Therefore, you are requested to take necessary entries in the village record and report to this Office immediately.

Further, you are requested to send the names of the Mandal Revenue Officer worked from 1977 to till date for this Office information.

Yours faithfully,

For Collector, R.R. District."

The appellants claim that the declarant-Mohd Mirza had lost right, title and interest in the said land the moment he sold the said land to Smt.Punnamma *vide* registered sale deed, dated 07.07.1966 and therefore, the lands already sold could not have been included or considered for calculating the total holding of the declarant. We are not inclined to examine the title of the appellants nor are we inclined to make any observation in respect thereof. There does not appear to be any dispute that the impugned letter/memo, dated 27.09.2002, was issued by the Collector without issuing notice to the appellants. That apart, we are informed that the proceedings arising from the order of the Chairman, Land Reforms Appellate Tribunal-cum-II Additional District Judge, Ranga Reddy District in L.R.A.No.46 of 1994 ultimately reached the Supreme Court. Those proceedings were initially decided by the Revenue Divisional Officer-cum-Land Reform Tribunal, Chevella Division *vide* order, dated 26.02.2002. That order was

thereafter carried in appeal, then in writ petition and then in SLP. We also do not wish to make any comment on those orders, since they are not relevant for our purpose. Fact remains that on 27.09.2002 when the impugned letter was issued by the Collector, subsequent orders, as aforementioned in appeal, writ petition and SLP, arising from the order, dated 26.02.2002, passed by the Revenue Divisional Officer-cum-Land Reform Tribunal, Chevella Division were not passed. In other words, the further proceeding arising from the order, dated 26.02.2002, passed by the Revenue Divisional Officer, namely the appeal bearing LRA No.8 of 2002, was pending on 26.02.2002.

In this view of the matter, though learned Government Pleader for Revenue vehemently submitted that the subsequent orders passed in appeal, writ petition and SLP have a bearing on the impugned letter, we are not inclined to examine the same, since on the date of the impugned letter/memo, no subsequent orders were before the Collector for issuing direction to delete the names of the appellants from the village record. It was submitted by both the learned counsel for the parties about the effect of setting aside the order, dated 26.02.2002 in the light of the judgments in

OM PRAKASH VERMA v. STATE OF ANDHRA PRADESH^[1] and **STATE OF MADRAS v. MADURAI MILLS CO., LTD**^[2] relied upon by them. We do not wish to examine merits of this contention also. Admittedly, the names of the appellants were in the revenue record for long time and therefore, in our opinion, the Collector ought to have issued notice to the appellants before passing the impugned direction to the Mandal Revenue Officer, Moinabad Mandal.

In this view of the matter, without expressing any opinion on merits of the case, we set aside the impugned memo/letter, dated

27.09.2002, with liberty to respondent No.1-Collector, Ranga Reddy District to issue notice to the appellants, and after granting them an opportunity of being heard may pass an order or issue the direction such as the one issued in the present appeal.

The writ appeal is disposed of in terms of this order. It is made clear that we have not expressed any opinion on merits of the case. We have not considered rights of the parties. All contentions of the parties are kept open.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:03.09.2015
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[\[1\]](#) 2010(13) SCC 158

[\[2\]](#) AIR 1967 SC 681