

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION Nos.2731 and 2952 of 2015

COMMON ORDER:

These two Civil Revision Petitions are filed by the appellants before the Joint Collector, Mahaboobnagar, who challenged the proceedings, dated 24.03.2012, of the Tahsildar Farooqnagar Mandal, in respect of land to an extent of Ac.09-09 guntas in survey No.13 situated within the limits of Ranga Samudram Village of Farooqnagar Mandal.

2. The Tahsildar passed an order, dated 24.03.2012, for incorporation of names of respondents herein in respect of the said land by implementing the orders passed by the Revenue Divisional Officer, Mahaboobnagar on 17.12.2011. In collateral proceedings, the parties came before this Court in C.R.P No.464 of 2012 and cross-objections (SR) No.15881 of 2012 and this Court by order, dated allowed the C.R.P holding that the orders passed by the authorities in respect of entire extent of Ac.8-28 guntas was contrary to law. This Court also observed that the interest of protected tenants in the land, held as protected tenants shall form 60% and not more. Taking aid from the said observations, the respondents herein filed O.S.No.6 of 2014 on the file of Court of Principal Senior Civil Judge, Mahaboobnagar and the same is pending.

3. However, in the appeal preferred by the petitioners herein, the Joint Collector passed an order on 27.12.2014 holding that it is for the appellants to prove their title to the suit land before the Civil Court and he cannot decide the matter relating to the title dispute. In the meanwhile, the names of the petitioners were mutated in the revenue records in respect of Ac.4-21 guntas by the proceedings of the Tahsildar, dated 14.10.2014. Challenging the said mutation, the

respondents herein preferred an appeal before the Joint Collector, which is pending. Challenging the orders passed by the Joint Collector directing the petitioners herein to establish their title by order, dated 27.12.2014, petitioners filed C.R.P.No.2731 of 2015 and challenging the appeal preferred by the respondents herein against the orders of mutation granted in favour of the petitioners by the Tahsildar on 14.10.2014, C.R.P.No.2952 of 2015 is filed by the petitioners.

4. Learned counsel for the respondents submitted that the appeal before the Joint Collector itself is not maintainable as the proceedings, dated 24.03.2012, issued by the Tahsildar are under the provisions of the Record of Rights Act and the collateral proceedings took place under the provisions of the Andhra Pradesh (Telangana) Tenancy & Agricultural Lands Act, 1950.

5. Be that as it may, in view of subsequent orders passed by the Tahsildar on 14.10.2014, the names of the petitioners were incorporated in the revenue records and the petitioners cannot be said to be aggrieved by the orders passed by the Tahsildar earlier on 24.03.2012 which merged with the order in C.R.P.No.464 of 2012 and hence, no orders need be passed in respect of the orders passed by the Joint Collector on 27.12.2014. Against the orders passed by the Tahsildar, dated 14.10.2014, the respondents herein filed a statutory appeal before the Joint Collector and it cannot be said that the said appeal is not maintainable as the statute provides for the same.

6. In the circumstances, both the Civil Revision Petitions are dismissed. However, the rights of the parties would be subject to the result of decree that may be passed in O.S.No.6 of 2014 pending on the file of court of Senior Civil Judge, Mahaboobnagar, which is now transferred to the Court of Senior Civil Judge, Shadnagar. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these two revision petitions shall stand closed.

A. RAMALINGESWARA RAO, J

DECEMBER 09, 2015
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Date: 09.12.2015

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