

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.6790 OF 2004

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DATED 23RD FEBRUARY, 2015
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Between:

Paduru Bagavan Reddy and another .. Petitioners

And

Joint Collector, Nalgonda and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.6790 OF 2004

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ORDER:

This writ petition was filed assailing the revisionary order dated 30.01.2004 passed by the Joint Collector, Nalgonda, in exercise of powers under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, 'the Act of 1971'). By the said order, the revisionary authority allowed the revision and set aside the rectification of entries carried out by the Mandal Revenue Officer, Nalgonda, under order dated 02.06.1999. The ground for allowing the revision was that the Mandal Revenue Officer had exceeded his jurisdiction in correcting the entries after 30 years.

The first petitioner having died, his legal representatives have been brought on record as petitioners 3 to 6.

Status quo orders were passed by this Court on 08.04.2004 and are subsisting. Sri M. Venkatram Reddy, learned counsel for the petitioners, would contend that by virtue of Section 10(2) of the Act of 1971, the provisions of Section 5 of the Limitation Act, 1963 are made applicable to proceedings under Section 3(3), etc., of the Act of 1971

and therefore the Mandal Revenue Officer was at liberty to condone the delay in seeking rectification of the entries and pass suitable orders thereon. However, he is not in a position to state as to whether the writ petitioners had, in fact, sought condonation of the delay on their part in seeking rectification of the entries. Significantly, the order passed by the Mandal Revenue Officer, Nalgonda, in their favour also does not reflect any application of mind to this aspect. The order under challenge therefore does not warrant interference.

It is stated that the petitioners also filed a suit for declaration of their title in respect of the subject land before the learned Junior Civil Judge, Nalgonda, and upon dismissal of the said suit, their appeal in A.S.No.35 of 2011 is pending before the Principal District Judge, Nalgonda. Needless to state, in terms of Section 8(2) of the Act of 1971, the entries in the records of rights would necessarily have to be amended in accordance with the declaration by the competent civil Court.

Subject to the above observation, the writ petition is closed. It shall be open to the parties to take necessary steps in accordance with law after closure of the civil litigation. Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J.

23RD FEBRUARY, 2015

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