THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.4638 OF 2016

O R D E R

This civil revision petition under Article 227 of the Constitution arises out of the order dated 18.08.2016 passed by the learned III Additional District and Sessions Judge, Ranga Reddy District, in IA No.466 of 2016 in LGOP No.106 of 2003. The petitioner is the applicant in the said I.A. filed under Order 16 Rule 1 CPC to summon the Mandal Revenue Officer, Uppal Mandal, to give evidence with regard to the report dated 18.07.2009 submitted by him to the Court. By the order under revision, the Court below dismissed the IA.

Heard Sri S.Subba Reddy, learned counsel for the petitioner, and Sri G.Mallikarjuna Rao, learned counsel on caveat for the respondent.

At the out set, it may be noted that LGOP No.106 of 2003 has already been taken cognizance of by the Court below under Section 8 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for brevity, 'the Act of 1982') and therefore, repealing of the Act of 1982 in so far as the State of Telangana is concerned, *vide* G.O.Ms.No.113, Revenue (Land Matters) Department, dated 01.06.2016, would have no impact on the OP which would have to be dealt with as per the procedure prescribed under the Act of 1982.

LGOP No.106 of 2003 was filed by the petitioner/applicant in relation to Plot No.C-13-A admeasuring 201 square yards in Survey No.96/9 of Nagole Village, Uppal Mandal, Ranga Reddy District. She claimed absolute ownership over the said plot and alleged that the respondent/respondent had encroached upon the said plot and constructed a house. She therefore sought his eviction and restoration of possession after removal of the illegal constructions.

The Mandal Revenue Officer, Uppal Mandal, submitted report dated 18.07.2009, as directed by the Court below under letter dated 29.07.2008, wherein he stated that he had checked the pahani for the year 1999-2000 in relation to the land bearing Survey No.96/8/A admeasuring Ac.1.27 guntas situated at Nagole Village of Uppal Mandal, which was classified as 'Patta Laoni'. He thereupon tabulated the entries in the pahani as under:

Sl.No.	Sy. No.	Extent Ac. Gts.	Classification	Nature of land	Name of the Pattadar	Name of the possession
1	96/8/A	1-27	Patta Laoni	Dry	Mynam Bikshapaiah	Plots

He further stated that the matter was gotten enquired into by the Mandal Surveyor and the Mandal Revenue Inspector of his office, whereupon it was found that the schedule property, being Plot No. C-13A (House No.2-3-829) admeasuring 206 square yards falls in Survey No.96/8 of Nagole Village, Uppal Mandal, Ranga Reddy District. He also stated that it was revealed that the respondent had purchased the said plot under Registered Sale Deed No.2400/1994 dated 07.04.1994 and had been in possession thereof.

It was in the context of this report that the petitioner/applicant asked for the Mandal Revenue Officer, Uppal, to be summoned to give evidence in relation thereto. Relevant to note, the said report is yet to be marked in the OP.

It may be noted that Rule 6(1) of the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988 (for brevity, 'the Rules of 1988') requires that every application filed under Section 8(1) of the Act of 1982, and every case taken cognizance of *suo motu* by the Special

Court may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area. Rule 6(2) of the Rules of 1988 requires the Mandal Revenue Officer to whom the application has been referred to make or cause to be made an inspection or verification or both, and to submit a full and complete report within a time frame as to the following aspects:

1) The correctness of the statements made in the application with regard to columns 1 to 15 and 19 in Form-I;
2) The facts relating to ownership, actual possession and use of the land concerned; and
3) Such other particulars and information as would be useful to the Court to arrive at a correct decision on the columns made in the application.

Significantly, columns 10, 11 and 12 of Form-I deal with the description of the land, in terms of the survey number and sub-division number, the extent and the boundaries or survey numbers of adjacent lands. Needless to state, this information is essential for identification of the land which is the subject matter of the application. Once a reference has been made under Rule 6(1) of the Rules of 1988, the report of the Mandal Revenue Officer submitted under Rule 6(2) forms a crucial piece of evidence.

Perusal of the order under revision reflects that the Court below was of the opinion that the subject report was filed as long back as in July, 2009 and no purpose would be served by calling the Mandal Revenue Officer as a witness as he would not be in a position to depose to more than what had been stated in his report. Opining so, the Court below disallowed the petition.

However, one crucial aspect which was completely lost sight of by the Court below was that the petition schedule property in the OP was Plot No.C-13-A admeasuring 201 square yards in Survey No.96/9 of Nagole Village, Uppal Mandal, Ranga Reddy District, whereas the report of the Mandal Revenue Officer, Uppal Mandal, states that the subject plot admeasuring 206 square yards is situated in Survey No.96/8/A. The report also does not indicate any reason to account for the differences in the survey number and the area. That apart, the boundaries of the plot in the schedule appended to the OP do not tally with the boundaries of the plot as shown in the report. These crucial discrepancies, in terms of identification of the petition schedule property, made it essential for the Court below to have a clarification from the Mandal Revenue Officer, Uppal Mandal, on these aspects for proper adjudication of the OP. Over looking the fact that this report gains crucial significance in terms of Rules 6(1) and 6(2) of the Rules of 1988, the Court below dismissed the IA.

The Civil Revision Petition is accordingly allowed setting aside the order under revision. The Court below shall summon the Mandal Revenue Officer, Uppal Mandal, and allow him to enlighten the Court as to the disparities in his report. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

28th OCTOBER, 2016
PGS