

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 7407 of 2012

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

Declaring the action of the second respondent i.e. Revenue Divisional Officer in entertaining the R.O.R.Appeal No.A3/4155 of 2006 filed by the fourth respondent and issuing Proc.No.A3/4155/2006, dated 08.04.2008, as illegal, arbitrary and without jurisdiction, the present writ petition is filed.

A perusal of the material on record would show that the first petitioner claims to have purchased lands admeasuring Ac.19.33 gts., in various survey numbers situated in Rudraram Village, Patanchuru Mandal, Sangareddy Revenue Division, Medak District from Chandulal Shah through registered sale deed bearing document No.4829 of 1997, dated 16.10.1997. The second petitioner also claims to have purchased land admeasuring Ac.24.01 gts., in various survey numbers situated in Rudraram Village, Patanchuru Mandal, Sangareddy Revenue Division, Medak District from Smt.

Prameela through registered sale deed bearing document No.4831 of 1997, dated 16.10.1997 apart from purchasing land admeasuring Ac.22.023 gts., from Dhanji Karsan Patel, Jadva Karsan Patel, Harji Patel and Khimji Karsan Patel vide document No.4693 of 1997, dated 04.10.1997. Similarly, the third petitioner also purchased land admeasuring Ac.25.33 gts., from the legal heirs of Barmal Shah through registered sale deed Nos. 4929 to 4932 of 1997, dated 27.09.1997 and 4694 to 4698 of 1997, dated 04.10.1997. It is stated that the petitioners are in possession and enjoyment of the said lands; their names were mutated in the revenue records and pattadar pass books and title deeds were issued in their favour. When the petitioners intended to sell a part of land, they went to the office of Joint Sub-Registrar, Patancheru, to find out the present market value, wherein it was informed to them that the third respondent has issued proceedings in Rc.No.A3/4155/06, dated 08.04.2008 directing them not to accept any sale transactions in respect of the subject land. Immediately thereafter, the petitioners made an application to the second respondent under Right to Information act to furnish certified copies of the appeal, the documents filed by the fourth respondent and the order issued in File No.A3/4155/2006. After obtaining the necessary documents, the present writ petition is filed questioning the interim order passed in the appeal proceedings.

On 09.04.2012 this Court passed the following order in W.P.M.P.No.9382 of 2012:

“Pending further orders, status-quo obtaining as of today shall be maintained.”

In spite of service of notice on the fourth respondent on 12.04.2012 there is no representation on his behalf.

Though various grounds are raised in the writ petition, learned counsel for the petitioner seeks a direction to the authorities to dispose of the appeal at the earliest, after hearing the petitioners.

The Government Pleader for Revenue submits that since the petitioners have not impleaded themselves in the appeal, they can implead themselves in the appeal proceedings and then contest the matter.

Without going into the merits of the case and having regard to the submissions made, the writ petition is disposed of directing the petitioners to implead themselves in the appeal proceedings and contest the matter, in which event the second respondent shall dispose of the appeal No.A3/4155 of 2006 by giving an opportunity to all the necessary parties, if not already disposed of, at the earliest preferably within a period of six (06) weeks from the date of receipt of a copy of the order. Till such time and if the appeal is still pending, the order dated 09.04.2012 passed by this Court in

W.P.M.P.No.9382 of 2012 shall be maintained.

No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.01.2016

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