

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26547 OF 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents 1 to 4 in executing the sale deeds, pertaining to land in Sy.No.77/4 admeasuring Ac.2-01 guntas, Sy. No.76/1 admeasuring Ac.2.21 guntas, Sy. No.77/5 admeasuring Ac.1-33 guntas and Sy. No.77/3 admeasuring Ac.2-15 guntas, all situated at Ibrahimpur sivar of Yedpally mandal, Nizamabad District, pursuant to joint survey made on 20-07-2005 and GO Ms.No.78 Industries and Commerce (Sugar) Department, dated 27-02-2009, in favour of respondents 5 to 8 in spite of pending Revenue Appeal No.A2/1962/2010, on the file of 2nd respondent-Revenue Divisional Officer, Bodhan, and in not disposing of their representations made to respondents 1 to 3, as being illegal, arbitrary and against the principles of natural justice and consequently direct respondents 1 to 4 to dispose of the appeal and also representations made by them and pass appropriate orders thereon.

2. The case of the petitioners is that the 4th respondent-the Nizam Sugars Limited is the owner of the total land in an extent of Ac.141-36 guntas of land situated at Ibrahimpur sivar of Yedpally mandal, Nizamabad District. That the subject lands which are in possession of the petitioners are covered by the lands of Ac.141-36 guntas owned by the 4th respondent. Petitioners state that in view of their long standing possession over the subject lands, they represented to the 4th respondent, to regularize the same in view of their long standing

possession and consequent upon the repeated representations, the Government represented by respondents 1 to 3 and the 4th respondent conducted joint survey and identified 94 farmers, including the petitioners and recommended for regularization of the lands in their respective possessions.

The grievance of the petitioners is that though joint survey was conducted by the respondents 1 to 4, and the petitioners are in continuous and uninterrupted possession of the subject lands, the names of respondents 5 to 8 were recorded as the persons to be in possession of the subject lands in the records. Petitioners further contend that they have been in continuous possession, and respondents 5 to 8 were not in possession at any point of the time in the subject lands. That to rectify the entries in the records, the petitioners filed a petition under Section 3 (3) of Rights in Land and Pattedar Pass Book Act, 1971 on 30-09-2009 before the 3rd respondent-Tahsildar, Mandal Revenue Office, Yedpally Village & Mandal, Nizamabad District, but the 3rd respondent by order dated 02-07-2010 dismissed the petition. Aggrieved by the same the petitioners carried the matter in appeal before the 2nd respondent-RDO, Bodhan, Nizamabad District, and the same is pending. That petitioners also made representations to the 1st respondent for deletion of the names of respondents 5 to 8 and substitute the names of the petitioners in the respect of the subject lands, but no order could be passed till date, nor the appeal filed could be disposed by the appellate authority. Hence, the present writ petition is filed.

3. It is fairly conceded by learned counsel for the parties that the writ petition can be disposed of with a direction to the 2nd respondent to

dispose of the statutory appeal filed by the petitioners. Inasmuch as the petitioners have already availed the remedy of filing statutory appeal, and the same is pending, there cannot not be parallel adjudication of the same subject matter. In the circumstances, without going into the merits of the matter, the writ petition is disposed of directing the 2nd respondent-RDO, Bodhan, Nizamabad District, to dispose of the appeal filed by the petitioners, in accordance with law, expeditiously, in any case not later than three months from the date of receipt of a copy of this order, after issuing notice to the affected parties and after affording opportunity of being heard in the matter to them. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 16.02.2016

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