

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.16570 OF 2009

AND

W.P.MP.No.26517 OF 2016

COMMON ORDER:

The Writ Petition is filed seeking to declare the order, dated 13.11.2006, passed by respondent No.2, as confirmed by respondent No.1 vide proceedings, dated 10.12.2007, as illegal and arbitrary.

2. W.P.MP.No.26517 of 2016 is filed seeking to consider and dispose of the representations, dated 16.06.2014 and 25.04.2016, submitted by the petitioner for grant of patta to an extent of land admeasuring Ac.0-14 guntas in Survey No.175/A of Pillalamarri Village, Suryapet Mandal, Nalgonda District.

3. The Mandal Revenue Officer, Suryapet, granted assignment patta to the petitioner in respect of the land admeasuring Ac.0-24 guntas in Survey No.175 of Pillalamarri Village, Suryapet, vide proceedings, dated 21.12.2001. Prior to such assignment, respondent No.4 was granted patta for an extent of Ac.1-31 guntas of land in the same Survey Number and later, the same was cancelled and land was restored to him vide proceedings, dated 10.08.2002. Respondent No.4, alleging that out of the land assigned to him, an extent of Ac.0-24 guntas of land was assigned to the petitioner and the petitioner was causing disturbance to him by interfering with his possession over the land assigned to him, preferred an appeal before the Revenue Divisional Officer, Suryapet – respondent No.2, who, by

order, dated 13.11.2006, allowed the same and cancelled the assignment patta granted to the petitioner. Aggrieved by the same, the petitioner preferred revision before the Joint Collector, Nalgonda, who, by order, dated 10.12.2007, dismissed the revision confirming the order passed by respondent No.2. Aggrieved by the same, the present Writ Petition is filed.

4. Learned counsel for the petitioner submits that since the patta granted in favour of the petitioner in respect of the land admeasuring Ac.0-24 guntas was cancelled by the appellate authority vide impugned proceedings, dated 13.11.2006, after the petitioner constructed tomb in the land assigned to him, the petitioner has filed representation, dated 25.04.2016, for grant of patta to an extent of Ac.0-14 guntas of land in Survey No.175/A of Pillalamarri Village, Suryapet Mandal and hence, seeks to grant patta to an extent of Ac.0-14 guntas of land.

5. Learned counsel for respondent No.4 submits that the petitioner lost in the civil litigation and the Joint Collector has considered the issues and passed the impugned order and hence, no interference is called for by exercising the power of judicial review under Article 226 of the Constitution of India.

6. This Court, by order, dated 12.08.2009, while admitting the Writ Petition, granted *status quo*, which was made absolute on 20.06.2013, while clarifying that the Suit filed by the petitioner can be

disposed of. Now, it is stated by the learned counsel for both sides that the Suit filed by the petitioner was dismissed.

7. It is to be seen that the Joint Collector has framed three issues in the revision, which are as follows:

“1. Whether the land assigned to the revision petitioner subsequent to the assignment made to the respondent is on the same piece of land or else where in the same Sy.No.

2. Whether due procedure is followed by the Tahsildar Suryapet in assignment of Ac.0.24 gts in favour of the revision petitioner herein.

3. Whether the eligibility of the revision petitioner is taken into consideration or not while assigning the suit land.”

After considering the issues, he gave clear finding that the land assigned to the petitioner was already assigned to respondent No.4 herein, who is respondent No.1 in the revision filed by the petitioner, and also observed that proper procedure is not followed while assigning land to the petitioner. Even regarding eligibility, he came to the conclusion that the petitioner is holding more than Ac.5-00 of land and as such, he is not eligible for grant of patta, and dismissed the revision. The Joint Collector has passed elaborate order after going through the record and no illegality is pointed out by the learned counsel for petitioner in the impugned order. Hence, I do not find any reason to interfere with the findings of fact arrived at by the Joint Collector and also the Revenue Divisional Officer by exercising the

power of judicial review under Article 226 of the Constitution of India.

8. Accordingly, the Writ Petition and W.P.MP.No.26517 of 2016 are dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

October 19, 2016.
MD

