

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.4084 of 2004

ORDER

Heard learned counsel for petitioners, learned Government Pleader for respondents 1 and 2 and learned counsel for respondents 3 and 4.

2. The first petitioner claims that he was the owner and possessor of the agricultural land of an extent of Ac.14.03 gts in Sy.Nos.10, 18, 19, 20, 205, 516, 524 and 525 situated at Mangole Village, Kondapak Mandal, Medak District. The said lands are inam lands. While so, the father of respondents 3 and 4 submitted an application for grant of occupancy right certificate and that the Revenue Divisional Officer, Siddipet, without hearing the first petitioner or issuing any notice to him granted occupancy right certificate in favour of respondents 3 and 4, by order dated 18.05.1994, in respect of the lands owned by the first petitioner. Challenging the same, the first petitioner preferred an appeal before the Joint Collector, Medak District, under Section 24 of the Inams Abolition Act, 1955 and the Joint Collector, by order dated 11.12.1997, set aside the order of the Revenue Divisional Officer dated 18.05.1994 and remanded the case to him to pass fresh orders in accordance with law. While so, when an application is made by the first petitioner to the Mandal Revenue Officer, Kondapak, under Section 4 of R.O.R. Act, for recording his name by deleting the name of one Nalla Eswaraiah, in respect of his land, the Mandal Revenue Officer passed orders on 11.06.1993 including the

name of the first petitioner in the revenue records as pattadar and possessor. Against the said orders, respondents 3 and 4 submitted a representation to the Honourable Chief Minister, and on reference of the case, the Joint Collector, Medak at Sangareddy, passed an order dated 18.11.1997 canceling the entry made in favour of the first petitioner in the revenue records and directing the Mandal Revenue Officer to incorporate the name of Mr. Nalla Krishna Murthy. Against the said orders of the Joint Collector, the first petitioner filed W.P.No.32080 of 1997 and the same was disposed of on 10.08.1998 setting aside the order of the Joint Collector dated 18.11.1997 and remanding the matter to the Joint Collector for passing orders after giving notice to the first petitioner. After remand, the Joint Collector passed an order on 11.12.1997 remanding the matter to the Mandal Revenue Officer for passing necessary orders after giving opportunity to both parties. While so, when the Mandal Revenue Officer, by impugned proceedings dated 06.02.2004, directed deletion of the name of first petitioner from the revenue records and incorporating the names of respondents 3 and 4, the present writ petition is filed.

3. Learned counsel for petitioners submits that the proceedings before the Revenue Divisional Officer, Siddipet, pursuant to the order of remand dated 11.12.1997 to determine the rights of the parties for grant of occupancy right certificate are not completed as the case was posted to 27.03.2004 and without completing the said proceedings, the Mandal Revenue Officer has committed error in

deleting the name of the first petitioner and incorporating the names of respondents 3 and 4.

4. Though the learned Government Pleader for respondents 1 and 2 submitted that an order was passed by the Revenue Divisional Officer, Siddipet, determining the occupancy right certificate, no such proceedings are filed before this Court.

5. Learned counsel for petitioners as well as learned counsel for respondents 3 and 4 submitted that they have not received any notice in the enquiry conducted by the Revenue Divisional Officer, Siddipet, pursuant to the order of remand by the Joint Collector dated 11.12.1997.

6. In such circumstances, it has to be assumed that no proceedings were issued by the Revenue Divisional Officer, Siddipet, and even if such proceedings were issued without notice to the parties, the proceedings are null and void. Since the impugned proceedings are pending before the Revenue Divisional Officer, Siddipet, for determining the issuance of occupancy right certificate, the correction of entries in the revenue records is not warranted. In the circumstances, the impugned order dated 06.02.2004 passed by the second respondent is set aside and the Revenue Divisional Officer, Siddipet, is directed to take up the proceedings relating to File No.A/3279/2002 in respect of the occupancy right certificate to be issued to the proper party and issue appropriate notice to the second petitioner, who is brought on record consequent to the death of the first petitioner, and respondents 3 and 4 and any other person

interested in the land and pass appropriate orders in accordance with law, within a period of six months from the date of receipt of a copy of this order. Till such time, the second respondent shall not make any entries in the revenue records and the change of entries in the revenue records would abide by the orders that would be passed by the Revenue Divisional Officer, Siddipet, in accordance with law, as stated above.

7. The Writ Petition is accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

4th July, 2017

A. RAMALINGESWARA RAO, J

Note:

Copy of this order shall be communicated to the District Collector, Medak District, for taking appropriate action against the second respondent-Mandal Revenue Officer, Kondapak Mandal, Medak District, for non-filing of counter affidavit and non-production of records before the Court in spite of specific order dated 20.06.2017.

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