

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P.No.18491 OF 2005

ORDER:

The present writ petition came to be filed for the following relief:

“to issue any appropriate Writ, order or direction preferably a writ in the nature of Certiorari calling for the records relating to the proceedings No.D5/5500/2000, dated 10.05.2005 passed by the third respondent in so far as the same is against the petitioner and quash the same as being erroneous, arbitrary and hence violative of Article 14 and 300-A of the Constitution of India and consequently, direct the first respondent not to take possession of the petitioner's property, viz the land admeasuring Ac.3.01 guntas situated in Survey No.250/3, admeasuring Ac.3.03 guntas of Bowrampet Village, Qutubullapur Mandal, Ranga Reddy District by buspending the order of the third respondent and to pass such other and further orders as the Court may deem fit and proper.

The averments made in the affidavit filed in support of the petition are that one Dubba Veeraiah, the original protected tenant sold the schedule property to M/s Matrusri Educational Society, Hyderabad, who in turn sold the same to M/s Swarnayuga Estates, Jeedimetla, Hyderabad and thereafter M/s Swarnayuga Estates entered into an agreement of sale-cum-GPA in favour of the petitioner. The 5th respondent is said to have purchased the land from the tenants who had been granted ownership certificate under Section 38(E) of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Act') and the same was regularized under Section 5-A of the R.O.R. Act by the 1st respondent - Mandal Revenue Officer, Qutubullapur Mandal vide proceedings No.A/85/1996, dated 18.03.1996. The said validation certificate was challenged under Section 5-B of the Act in an appeal before the 4th respondent - Revenue Divisional Officer. The 6th respondent was impleaded in the said appeal. The said appeal was allowed setting aside the order of the Mandal Revenue Officer vide order dated 10.08.2000. Assailing the correctness of the said order, the 5th

respondent preferred a revision before the 3rd respondent - Joint Collector, Ranga Reddy District. By an order dated 10.05.2005, the 3rd respondent affirmed the order of the 1st respondent –Mandal Revenue Officer, but however directed to take action in respect of the property under Section 48-A of the Act. The said action was assailed in the present writ petition as erroneous and contrary to the provisions of the Act.

The only ground urged before this Court is that order of the 3rd respondent in directing the 1st respondent to take action under Section 48-A of the Act, which was the subject matter of dispute between the parties, is beyond his jurisdiction. The said fact is seriously disputed by the learned Government Pleader.

As seen from the record, the 5th respondent purchased the land in question from the tenants, who had been granted ownership certificate under Section 38-E of the Act and the same was regularized under Section 5-A of the R.O.R. Act by the 1st respondent. The 4th and 6th respondents have purchased the land from the ownership certificate holder through a registered sale deed. The findings of the 1st respondent vide order dated 10.08.2000 is as under:

“In view of the foregoing facts, the orders of Mandal Revenue Officer, Qutbullapur Mandal in file No.A/85/96, dated 18.03.1996 are hereby set aside. In the result, the appeal is allowed.”

The findings of the 3rd respondent – Joint Collector, in so far as the property in question is as under:

“For the aforesaid reasons, I hold that the order of the Mandal Revenue Officer, Quthbullapur Suffers from incurable legal infirmities. The order is vitiated by errors apparent on the fact of record it is liable to be set aside and the same is accordingly set aside. Therefore, I do not find any reason to interfere with the order of the Revenue Divisional Officer, R.R. East Division under revision. In the result, the revision is dismissed. The Pattadar Passbooks and Title Deedsif any shall also stands cancelled. The Mandal Revenue Officer, Quthbullapur may take over the land in

question by enforcing the provisions under Section 48-A of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 wherever applicable and report compliance tot the Collector, Ranga Reddy District.”

But however, while holding that the order of the 1st respondent – MRO suffers, from incurable legal infirmities and while setting aside the said order directed him to take land in question while enforcing provisions under Section 48-A of the Act by giving liberty to proceed independently in case law permits to which none of the parties were put to notice.

Having regard to the circumstances stated above, the writ petition is disposed of directing the authorities concerned to issue notice to the parties concerned, before proceeding under Section 48-A of the Act and take necessary action in accordance with law. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

17.08.2017
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