

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.533 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred by the petitioner in W.P.No.12134 of 2005 aggrieved by the order passed by the Learned Single Judge dated 13.02.2017. Heard Sri A.Abhishek Reddy, learned counsel for the appellant-writ petitioner, learned Government Pleader for Revenue (Telangana) appearing for respondent Nos.1 to 3 and Sri V. Venkata Ramana, learned Senior Counsel appearing on behalf of respondent No.4.

The appellant herein filed W.P.No.12134 of 2005 to quash the order passed by the Joint Collector, Ranga Reddy District on 12.04.2005 and to declare the same as without jurisdiction and contrary to the provisions of the A.P. Rights in Land and Pattadar Passbooks Act, 1971. The 4th respondent herein filed W.P.No.13885 of 2009 to quash the very same order of the Joint Collector dated 12.04.2005 to the extent he directed the parties to approach the Civil Court to have their civil rights adjudicated, though he found the sale deed executed in favour of the appellant herein dated 10.08.1970 as not valid.

While the 4th respondent herein traces her title to one Sri M.Satyanarayana Reddy, who is said to have purchased the subject property in an auction conducted by the Government under the A.P. Revenue Recovery Act, the fact remains that neither Mr.M.Satyanarayana Reddy nor his successors in title, including the 4th respondent, made any efforts to have their names mutated in the revenue records. The appellant, who claims to have purchased the subject land in the year 1970, had his name entered in the record of rights in the year 1993. It is not in dispute that the appellant's name is reflected as a pattadar in the record of rights ever since 1993 till date.

The Learned Single Judge has, in the order under appeal, observed that, in view of the rival title pleaded by the both the parties, the order of the 1st respondent, in so far as he directed both the parties to approach the competent Civil Court for adjudication of their right, title and interest in the subject property, did not suffer from any error; but he, however, held that the 1st respondent was not justified in commenting on the validity of the sale deed dated 10.08.1970 on the basis of which the appellant claimed title over the subject property. The finding of the 1st respondent regarding the sale deed being invalid was set aside, as also the finding regarding the entitlement of Sri M.Satyanarayana Reddy for delivery of possession as a purchaser of the subject land. While making it clear that the Court had not expressed any opinion on the right, title or interest of either party in respect of the subject property, it was left open to either party to approach the competent Civil Court for appropriate relief as against the other party.

The Learned Single Judge further observed that the entries in the record of rights shall be left blank, till the issue relating to title is adjudicated by the competent Civil Court. It is this part of the order, whereby the entries in the record of rights were directed to be left blank, that the appellant is aggrieved by; and has, therefore, invoked our jurisdiction.

Sri A.Abhishek Reddy, learned counsel for the appellant, would contend that, since the appellant's name is reflected in the record of rights ever since 1993, the Learned Single Judge was not justified in directing that the entries in the record of rights be kept blank; permitting the entries to remain blank may well result in someone else, including the Government, claiming title over the subject land; and, as the record of rights disclose the appellant's name as pattadar ever since 1993 i.e for the past two and half decades, the Learned Single Judge was not justified in directing the respondents to keep the entries in the record of rights blank.

On being pointed out that continuing the appellant's name in the record of rights may well result in his alienating the property to others who may, on the basis of the entry in the record of rights, presume that the appellant is the owner of the property, Sri A.Abhishek Reddy, learned counsel for the appellant, would fairly state that the appellant would not alienate the subject land, create third party rights thereupon, or change the nature of the land, till the matter is adjudicated by the competent Civil Court.

In the light of the aforesaid submission of Sri A.Abhishek Reddy, we are satisfied that the entries in the record of rights do not necessitate any alteration as at present, since the existence of the entry would be subject to the result of the Civil Suit, which the parties have been permitted to file in term of the order under appeal.

To the limited extent, the Learned Single Judge directed that the entries in the record of rights be left blank, the order under appeal is set aside. The appellant shall not, till his and the 4th respondent's rights and title over the subject property are finally adjudicated by the competent Civil Court, alienate the subject land or create third party rights thereupon or change the nature of the land.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

21st April, 2017
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Date: 21.04.2017

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