HONOURABLE SRI JUSTICE P. NAVEEN RAO

<u>WRIT PETITION Nos. 26189 & 26201 of 2017</u>

Date :8.8.2017

WP No. 26189 of 2017

Between :

Vallambhatla Ramadevi W/o Poorna Chandra Rao
41 years
R/o H No. 1-113, Lakshmi Devi Kalva village
Addagudur mandal
Yadadri (Nalgonda) district

Petitioner

And

The State of Telangana
Rep by its Principal Secretary to Government
Revenue Department,
Secretariat, Hyderabad and others

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 26189 & 26201 of 2017

COMMON ORDER:

Petitioner and respondents in both writ petitions are same. Though writ petitions are independent and governed by different provisions of law, they concern the same property and orders under challenge in W.P. No. 26201 of 2017 are consequential to the orders under challenge in W.P. NO. 26189 of 2017, therefore, both the writ petitions are disposed of by this common order.

2. Heard learned counsel for petitioner, learned Government Pleader for Revenue for respondents 1 to 4 and Sri V.R.N.Prashanth learned counsel for respondent No.5.

3. Petitioner claims that she purchased land to an extent of Ac.0.34 guntas in Survey NO. 134, Nalgonda town through registered sale deed No. 14500 of 2013 dated 30.10.2013. After the said purchase, petitioner applied before the Tahsildar, Nalgonda mandal for mutation of her name in the Revenue records. Accordingly, Tahsildar passed orders on 11.6.2014 issuing pattedar pass books and title deeds in her favour. After pattedar passbooks and title deeds are issued in her favour, she applied to third respondent/ Revenue Divisional Officer for conversion of land from agricultural purposes to non agricultural purposes. The third respondent after collecting due fee from her and following the due process issued proceedings dated 30.08.2014 granting such conversion. After obtaining the pattadar passbooks and title deeds and conversion of land from agriculture to non agricultural purposes, petitioner started taking steps for development of the land. At that stage, as respondents 5 and 6 were trying to interfere with her possession and enjoyment of the property, she filed O.S. No. 95 of 2014 on the file of the I Additional District Judge, Nalgonda praying to grant declaration of title and perpetual injunction against respondents 5 and 6. Petitioner filed I.A. No. 1029 of 2014 to grant interim injunction. It appears respondents 5 and 6 earlier filed I.A. No. 1647 of 2016 and by common order I.A. filed by petitioner was allowed and I.A. filed by

respondents 5 and 6 was dismissed. By way of injunction granted by trial Court, petitioner is in possession and enjoyment of the property.

4. The Joint Collector exercised Revisional power vested in him under A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short the Act, 1971) on the orders passed by the Tahsildar granting mutation in favour of the petitioner. 5th respondent also filed revision under section 9 of the Act, 1971. This revision was considered and allowed by the order dated 19.7.2017 setting aside the entries made in the Revenue records and issuance of pattadar pass books and title deeds granted in favour of the petitioner. Simultaneously, the Joint Collector suomoto entertained an appeal on a reference by the District Collector under Section 5 (IV) of the A.P. Agricultural Lands (Conversion for Non Agricultural Purposes) Act and Rules 2006. By order dated 20.7.2017 the Joint Collector allowed the Revision setting aside the order of the Revenue Divisional Officer dated 30.8.2014 granting conversion of the subject property from agricultural purposes to non agricultural purposes. In W.P. No. 26189 of 2017 petitioner challenges the order of the Joint Collector under Section 9 of the Act, 1971 and in W.P. No. 26201 of 2017 petitioner challenges the order of the Joint Collector dated 20.7.2017 setting aside the order of conversion to non agricultural purposes.

5. Facts on record disclose that property which petitioner claimed as purchased is located in Nalgonda town and is covered by 'Abadi'. The land no more retains the status of agricultural land. The provisions of Act, 1971 are applicable only to lands which are classified as agricultural lands and once the land is not treated as agricultural land, the provisions of the Act, 1971 are not attracted. Petitioner do not dispute the fact that the area under which she claimed to have owned the land is recorded as "Abadi" in the relevant records, therefore, provisions of Act, 1971 are not attracted. Similarly, once the land looses the status of agricultural land and is surrounded by "Abadi", the question of conversion of such land for non agricultural purposes under the Act, 2006 do not arise. In the two proceedings which were independently considered by the Joint Collector, the land lost status of agricultural land and is classified as

"Abadi", therefore provisions of Act, 1971 and Act, 2006 respectively have no application. Thus, the Joint Collector validly exercised the Revisional jurisdiction under Section 9 of the Act, 1971 and Appellate jurisdiction on a reference by the District Collector under Act, 2006 in setting aside the respective orders passed. Therefore, I see no error in the decision arrived at by the Joint Collector in the proceedings impugned in these two writ petitions, warranting interference of this Court.

6. Learned counsel for petitioner sought to contend that there is civil dispute pending inter-parties and the Civil Court granted injunction in favour of the petitioner, therefore, at this stage, Joint Collector ought not to have exercised Revisional jurisdiction under Act, 1971 and Act, 2006 and on that ground alone the orders impugned are liable to be set aside. I see no merit in the said contention. The issue in O.S No. 95 of 2014 is inter-se dispute between petitioner and respondents 5 and 6, the same does not concern the issuance of pattadar pass books and title deeds under the Act, 1971 and order of conversion of land for non agricultural purposes under Act 2006. Thus, mere pendency of the suit and interim injunction order passed by the trial Court do not come in the way of exercise of Revisional jurisdiction under Act, 1971 and Appellate jurisdiction under Act, 2006 also. Therefore this Court is of the considered opinion that the Joint Collector has validly exercised the power vested in him under the respective enactments and has come to correct conclusion.

7. For the foregoing reasons, both the writ petitions are dismissed. However, it is made clear that this order do not come in the way of prosecuting the litigation by the petitioner in the pending suit and observations made herein do not affect the stand of the respective parties in the pending suit. The observations made herein are only for the purpose of deciding the validity of the orders passed by the Joint Collector, impugned in these two writ petitions. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 07.08.2017

TVK

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