

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.M.P.No.4394 of 2012
AND
WRIT PETITION No.26007 of 2011

ORDER:

This Writ Petition was filed challenging G.O.Ms.No.1444, Revenue (J.A) Department, dated 19.07.2011, disposing of the revision by the Government pursuant to the order passed by this Court in W.P.No.25342 of 1999, dated 22.02.2001, with regard to the land admeasuring Acs.72.61 guntas in old Survey Nos.49, 50/1, 50/2, 21/2 and 103 corresponding to new Survey Nos.132, 133, 140, 141 and 142 of Chengicherla Village, Ghatkesar Mandal in Ranga Reddy District.

This Writ Petition was filed by two persons initially engaging one Sri M.Satish Kumar as learned Counsel. Later on, the first petitioner engaged Sri T.Bala Mohan Reddy, who is present today and argued the case. The said learned Counsel Sri M.Satish Kumar, who continues for the second petitioner did not appear. Learned Counsel for respondent Nos.5 and 6 are present and they are heard.

The case of the petitioners is that they purchased an extent of Acs.76.31 guntas in Survey Nos.132, 133, 140, 141 and 142 parts situated at Almasguda Maktha, Chennamguda of Chengicherla Village, Ghatkesar Mandal, Ranga Reddy District, under an agreement of sale, dated 22.12.2008, and paid an amount of Rs.5,00,000/- to the fourth respondent, who

acknowledged the same. The balance amount was agreed to be paid at the time of registration. It appears that at the time of entering into agreement, there was a revision pending before the Government and the fourth respondent filed W.P.No.10610 of 2010 and sought a direction to dispose of the said revision. The simple case of the petitioners is that the revision was disposed of by the first respondent without hearing them.

During the pendency of the present Writ Petition, the fourth respondent, though engaged an Advocate and filed a counter, expired and a petition to bring the legal representatives on record was filed in W.P.M.P.No.4394 of 2012. No orders were passed in the said application.

Learned Government Pleader submits that the fourth respondent filed a review petition against the impugned G.O.Ms.No.1444, Revenue (J.A) Department, dated 19.07.2011, before the Government and the said review petition was also dismissed in Memo No.35919/JA.(1)/2011, dated 11.01.2012, and it is not known whether anyone challenged those orders.

Be that as it may, since the present Writ Petition was filed by the present petitioners claiming to be agreement holders, this Writ Petition is being disposed of after hearing the learned Counsel for the petitioners. Though an opportunity was given earlier to take out substituted service in W.P.M.P.No.4394 of 2012, in view of the failure to serve notice on the proposed legal representatives, W.P.M.P.No.4394 of 2012 is dismissed.

The case has a chequered history and the facts leading to passing of the order by the Government were set out in the impugned Government Order and it is not necessary for this Court to reproduce the entire facts. Suffice it to say that this Court in W.P.No.25342 of 1999 filed by the petitioner therein challenging the Memo No.19518/SS.I/99-12, dated 17.09.1999, issued by the first respondent herein, allowed the Writ Petition on 22.02.2001 by setting aside the said Memo with the following observations:

“For the aforesaid reasons, the impugned Memo is set aside. It is declared that there is no other order in the eye of law as such passed by the government in exercise of its revisional jurisdiction under 166-B of the Act other than the one communicated to the petitioner. That order alone has to be treated as an order passed by the Minister disposing of the revision.

The revision petition filed by respondents 5 to 8 is required to be heard by the government for taking an appropriate decision thereon in accordance with law. It is needless to clarify that the observations, if any, made in this order shall have no bearing on the right, title and interest of any of the parties with regard to the said lands. The observations also shall have no bearing whatsoever upon the legality, propriety and regularity of the orders dated 8-7-1997, 3-11-1997 and 31-12-1998 on the file of the second respondent-Commissioner, as the same are required to be decided by the first respondent-Government in exercise of its revisional jurisdiction. It is needless to direct that the first respondent shall provide an adequate opportunity of being heard to both parties and decide the revision in accordance with law. The revisional authority is required to apply its independent mind to the facts and issues that arise for consideration and decide the same in accordance with law.”

As stated above, the order in G.O.Ms.No.1444, Revenue (J.A) Department, dated 19.07.2011, was passed after issuing notice to all interested parties and giving personal hearing to

them. The Government ultimately disposed of the revision giving liberty to all the parties to agitate their pleas and claim relief over disputed land before competent civil Court. If anyone is aggrieved with regard to the said order, it is the fourth respondent herein, who filed the Writ Petition earlier. But, he did not choose to challenge the order, and filed a review petition before the Government, which was dismissed on 11.01.2012. No one brought to the notice of this Court with regard to the filing of any Writ Petition by the fourth respondent.

Now the petitioners claimed to have purchased the said land under an agreement of sale dated 22.12.2008, which was unregistered, and after passing of the Memo by the Government on 17.09.1999, which was impugned in the above proceedings, and disposed of W.P.No.25342 of 1999 on 22.02.2001. When a notice was issued to the fourth respondent, he should have brought to the notice of the petitioners with regard to the pending proceedings or the petitioners should have verified about the pending proceedings. Nothing prevented the petitioners from filing a civil suit for specific performance of the agreement, if they are so interested. They did not choose to file the suit for specific performance or appeared before the Government, but filed the present Writ Petition. The Government issued the above Government Order disposing of the revision giving liberty to all the parties to agitate their rights in the civil Court and it does not operate to the prejudice of any parties.

In the circumstances, this Court is not inclined to entertain the present Writ Petition, and the same is accordingly, dismissed. It is always open to the parties to work out their remedies as stated by the Government in its order dated 19.07.2011. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

18.07.2017
Vs

(A.RAMALINGESWARA RAO, J)

