HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18480 of 2007

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Respondents 1, 2 and 5 and the counsel for the 6th respondent.

2. The case of the petitioners is that the 1st petitioner purchased an extent of Ac.15.10 in Sy.No.252 from the 4th respondent vide registered sale deed dated 31.12.1988 and the possession of the property was also given to him on the same day and since then the 1st petitioner has been in continuous possession/occupation of the said land. Pursuant to the application made by the 1st petitioner, the Mandal Revenue Officer, Yeldurthy mutated the name of the 1st petitioner in the place of 4th respondent and issued pattadar pass book by incorporating the name of the 1st petitioner. Similarly, the 2nd petitioner also purchased total extent of Ac.15.00 situated in Sy.No.250 and 252 i.e., Ac.12.00 in his name and Ac.3.00 in favour of his wife, through registered sale deeds dated 17.04.2000 from one Mr. Suresh Kumar Jain, who purchased the same from its original pattadars vide registered sale deed 22.12.1997. The 2nd petitioner and his wife applied to the Mandal Revenue Officer, Yeldurthy for mutation in the revenue records and their names were also mutated and pattadar pass books have been issued to them. However, since wife of the 2nd petitioner was expired on 30.03.2006, the 2nd petitioner got transferred the said extent of Ac.3.00 also in his name. While so, respondents 3 and 4 filed appeal before the 1st respondent alleging that their names were wrongly deleted from the revenue records. The 1st respondent allowed the appeal filed by respondents 3 and 4 and against the said orders, the petitioners filed a

revision before the Joint Collector, Medak at Sangareddy and obtained an order of maintenance of *status quo* till the disposal of the case. Thereafter, the petitioners chose to file the present writ petition challenging the order of the 1st respondent dated 30.06.2007 and withdrew the revision preferred before the Joint Collector. During the pendency of the present writ petition, 2nd petitioner died and 3rd petitioner, being the son, came on record as his legal representative. The 6th respondent claims to have purchased an extent of Ac.15.00 of land situated in Sy.Nos.250 and 252 from respondents 3 and 4 and when they did not execute any sale deed, the 6th respondent filed OS No.26 of 1999 on the file of the Senior Civil Judge, Medak and the said suit was decreed. The said decree is at the execution stage.

3. This court by order dated 03.09.2007 while admitting the writ petition, granted interim suspension and the said order of suspension is continuing till today.

4. A reading of the impugned order shows that the appeal was allowed with the following observation:

> "...The main contention of the appellant is about the legality and validity of the Regd. Sale deeds executed in the matter on the ground that they are forged and fraudulent documents. A notice has been issued to the respondents to produce the originals of the above said documents to verify the genuineness of the documents. The Respondent No.2 has submitted a reply stating that the original documents has been seized by the ACB authorities. But he has not submitted any proof of such seizure or any copy of the panchanama of such seizure. The Respondent No.3 and 4 have not submitted any explanation for the notice issued by this office. Further the contention of the Respondent No.2 that he has purchased the lands originally under un-regd. Sale deeds on 13.12.88 and 7.6.2002 but he has not submitted any copies of ordinary sale deeds in support of his claim except the copies of the Regd. Documents executed to an extent of 15.00 acres stated to be

> forged documents as per the version of the appellants. Further when the appellant has already executed the Regd. Gift deed in favour of one of his son to an extent of 3.00 acres in Sy.No.252 on 5.12.95 out of total extent of 16.20, the appellant do not possess or owns 15.00 acres in Sy.No.252 to execute regd. Sale deed on 29.03.97 in favour of Respodnent No.2 which seems to be not correct. As regards sale of land in favour of Mangalchand Respondent No.1 to an extent of 12.00 acres in Sy.No.250 and 3.00 acres in Sy.No.252, the Regd. Sale deeds have been executed by the minors under the guardianship of their father without obtaining prior permissions from the competent authorities for transferring the minors' property, as such, sale of minors' property and the subsequent sale deeds executed will not get any legal sanctity.
>
> In order to know the truth of validity of the documents, the record from Sub Registrar, Ramayampet has also been called for and a perusal of the said documents with reference to the copies of the document produced in the matter the signatures of the parties show that they do not tally. It is to be noted that while changing the entries in the records, the notices are to be issued to the effected persons before change of records. But it seems that there is no such evidence of issue of any notice in the matter to the appellant or to the donees under gift deeds. Hence the mutation granted by Mandal Revenue Officer in favour of the respondents is liable to be set aside, since the Respondents have not established the truth of validity of the documents claimed by them as having purchasing the land from appellants and the signatures appear to be forged and fabricated. As such the mutation done in favour of the respondents cannot be sustained. However the respondents if they have any right to the Regd. Deeds claimed by them they can seek relief from competent civil court."

5. It is not clear from the above order whether the Tahsildar followed the due procedure while effecting mutation of the names of the petitioners and whether the case set up by the appellants before the 1st respondent was true or not and hence it requires adjudication of facts and this court cannot undertake such exercise. In the circumstances, the petitioners are given liberty to approach the

Revisional Authority/Joint Collector under Section 9 of the A.P. Records of Rights in Land and Pattadar Passbooks Act and the Joint Collector, as and when a revision is filed by the petitioners, shall dispose of the same expeditiously after hearing both parties. The petitioners are at liberty to file revision within thirty days from today and interim order of suspension shall continue till the disposal of the revision. If no revision is filed within that date, the interim order of suspension cannot operate and it is open to the petitioners to workout their remedies.

6. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand closed in consequence.

A. RAMALINGESWARA RAO, J

Date: 10.07.2017
Note: Furnish CC in one week.
(BO)
BSS

80

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

URGENT

WRIT PETITION No.18480 of 2007

Date: 10.07.2017

BSS