

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.40321 of 2016

Date: 06-09-2017.

BETWEEN:

Sri Shambhavi Properties Ltd.,
Prashasan nagar rep by its Director,
Jubilee Hills, Hyderabad.

...Petitioner.

AND

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

...Respondents.



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WRIT PETITION No.40321 of 2016

ORDER:

The petitioner challenges proceeding No.B/1196/12, dated 07-10-2016 of respondent No.3 as illegal and contrary to the orders of this Court in W.P.No.28581 of 2012, dated 28-11-2012. I am satisfied for disposing of Writ Petition, narration of circumstances can be commenced by referring to W.P No.28581 of 2012 filed by petitioner herein. The petitioner in W.P.No.28581 of 2012 challenged the proceeding of RDO-second respondent in File No.B/ROR/1973/12 and the consequential proceeding of third respondent in File No.B/1196/12, dated 30-06-2012, as illegal and violative of principles of natural justice.

2. On 28-11-2012, this Court disposed of Writ Petition No.28581/2012 as follows:

“Both the Learned Government Pleader for Revenue (Telangana Area) and Sri Y. Pankaj Kumar, Learned Counsel for respondent No.4, would submit that the petitioner was not put on notice before the impugned order was passed.

As the impugned order is in violation of principles of natural justice, I consider it appropriate to set aside the impugned order, and permit respondent No.3 to pass orders afresh, in accordance with law, after putting the petitioner on notice and giving them an opportunity of being heard.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.”

3. The third respondent, after remand, issued the proceeding dated 07-10-2016 impugned in the writ petition. The objection of petitioner against the proceeding dated 07-10-2016 is that the writ petition was ordered by this Court and the third respondent is

directed independently to look into the grievance of maintaining entries in Record of Right in respect of Survey Nos.1260, 1261, 1262 & 1332 of Kothur Village, but not guided by the observations, if any in the order of Revenue Divisional Officer in File No.B/ROR/1973/12 while disposing of the application.

4. The Assistant Government Pleader (Revenue), after taking note of the order of this Court in WP.No.28581 of 2012 and also the findings recorded by third respondent, submits that the matter needs to be re-examined by third respondent.

5. On the contrary, Dr.Sophia Begum contends that the petitioner, if has grievance under A.P. Rights in Land and Pattadar Pass Books Act including against the proceeding impugned in the writ petition, a revision under Section 9 can be maintained and the matter need not be remitted to third respondent once again, after setting aside the proceeding impugned in the writ petition.

6. I have taken note of the submission and also the conclusions of 3rd respondent. The District Collector under Section 9 has jurisdiction to examine the legality, proprietary or otherwise pass entries maintained in record of rights. In the case on hand, on mere examination of proceeding dated 07-10-2016, it appears the third respondent was not right in observing that he is still guided by the orders of RDO-second respondent. The parties if have full and complete opportunity before the primary authority, still a grievance subsists as pointed out by Dr. Sophia Begum, such grievance can conveniently be canvassed under Section 9 of the Act. Therefore, in the circumstances of this case, I am of the view that the proceeding impugned in the writ petition can be set aside

and the File No.B/ROR/1973/12 is restored to file. Sixth respondent is directed to look into the grievance of fourth respondent, without reference to earlier orders, take note of the objections raised by petitioner herein, afford an opportunity to both parties and pass orders, within two months from the date of receipt of a copy of this orders.

7. The writ petition is ordered as indicted above. No costs.

8. Miscellaneous petitions pending consideration, if any, in this writ petition, shall stand closed in consequence.

Date: 06-09-2017

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JUSTICE S.V. BHATT

