

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.20664 of 2009

ORDER:

This Writ Petition is filed by the petitioners assailing the order dt.25-11-2008 in Memo No.31179/JA(1)/2006-18 of the Principal Secretary to the Government, Revenue Department, Government of Andhra Pradesh, Hyderabad, refusing to implead the petitioner in a Revision Petition filed by the mother of respondent Nos.4 to 6 by name G.Rangamma under Section 24 (4) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

2. The petitioner claims that a General Power of Attorney has been given to him by respondent Nos.4 to 6 in respect of an extent of Ac.06-19 gts. in Sy. No.263 of Athapur village, Rajendranagar Mandal.

3. The said land is alleged to be the patta land of one G.Narsing Rao. It is not in dispute that G.Narsing Rao had a son by name Ramanuja Rao. Ramanuja Rao married G.Rangamma and respondent Nos.4 to 6 are their children.

4. The said land is alleged to have been sold by a Conveyance Deed dt.25-08-1964 issued by the Settlement Commissioner under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 in favour of the Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad along with a

large extent in some other survey numbers of same village for setting up of a Zoological Park.

5. This was challenged by way of Revision Petition by Rangamma before the Commissioner (Appeals). The said Revision was dismissed on 18-5-2006. Thereafter, a further Revision was preferred by her to 1st respondent.

6. Pending Revision, she died and respondent Nos.4 to 6 were impleaded as her legal representatives.

7. The Writ Petitioner is claiming under a registered General Power of Attorney dt.17-05-2006 and a Memorandum of Understanding dt.17-05-2006 allegedly executed in his favour by respondent Nos.4 to 6 and he sought to get impleaded in the said Revision Petition filed by Rangamma which was being prosecuted by respondent Nos.4 to 6.

8. Respondent Nos.4 to 6 denied the execution of the above said documents.

9. Therefore, the 1st respondent passed the impugned order on 25-11-2008 refusing to implead the petitioner stating that he cannot decide the civil dispute as to the validity of the GPA and he can decide only whether land in question is Evacuee Property or not.

10. Challenging the same, this Writ Petition is filed.

11. Heard the learned counsel for the petitioner, Sri B.Mahender Reddy, learned Special Government Pleader, appearing for respondent Nos.1 to 3 and Sri T.C.D.Sekhar, learned counsel for respondent Nos.4 to 6.

12. It is not disputed by the learned counsel on both sides that a suit O.S.No.2102 of 2010 had been filed by the Writ Petitioner before the II Additional Senior Civil Judge, Ranga Reddy District, assailing the cancellation of the GPA as well as MOU dt.17-05-2016 allegedly executed by respondent Nos.4 to 6 in his favour and that the said suit is pending. So the issue regarding validity of the GPA as well as MOU will be gone into in the said suit.

13. Learned counsel for the petitioner did not dispute that 1st respondent cannot go into the issue of validity of the GPA or the MOU particularly when the same is disputed by respondent Nos.4 to 6.

14. Therefore, I do not find any error of jurisdiction in the order passed by 1st respondent warranting interference by this Court under Article 226 of the Constitution of India.

15. Accordingly, the Writ Petition is dismissed. Consequently, the interim order dt.24-09-2009 in W.P.M.P.No.26934 of 2009 is vacated. However, since the Revision is pending before the 1st respondent from 2006, the 1st respondent shall dispose of the same

as expeditiously as possible preferably within two months from the date of receipt of a copy of this order. No costs.

16. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-03-2017

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