

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 23293 and 24551 of 2004

COMMON ORDER:

These two writ petitions are being disposed of by this common order after hearing the learned counsel for the parties as the property involved is one and the same.

The land admeasuring Acs.16.05 guntas and Acs.11.19 guntas in Survey Nos.40 and 41 respectively, situated in Muneerabad Village, Medchal Mandal, Ranga Reddy District (now Medchal District) belongs to one Syed Riyaz Hussain and the same was declared as Evacuee Property (Custodian Property). The allotment made in respect of the land in Survey Nos.41 to 45 situated at Muneerabad Village to one Detomal S/o.Jesomal was cancelled by the Regional Settlement Commissioner, Bombay vide order, dated 07.03.1967. The Settlement Officer in the office of the Custodian of Evacuee Property, Bombay, addressed a letter, dated 07.03.1967, to the Collector and Deputy Custodian, Hyderabad requesting him to recover the value of the land from the occupants in accordance with the Local Tenancy Laws and transfer the survey numbers and its area as shown against each of the occupants on permanent basis. Pursuant thereto, the Collector called for a report from the Revenue Divisional Officer, Ranga Reddy East

Division, who in turn, by his letter, dated 04.06.1987, informed the Collector that the proceedings of the Regional Settlement Commissioner do not indicate the Survey Nos.40 and 41 which are in the occupation of G.Dharma Reddy and recommended to consider the request of G.Jeevith Reddy with reference to the record available in the Collectorate. The Collector issued a letter, dated 19.01.1998, to the Mandal Revenue Officer, Medchal to get the cost remitted by all nine persons who are sitting on the lands and report to the Revenue Divisional Officer, Ranga Reddy East Division for effecting entries in Jamabandi under intimation to the Custodian of Evacuee Property and the Commissioner, Survey, Settlement and Land Records, Hyderabad. Accordingly, the Mandal Revenue Officer issued a notice to G.Jeevith Reddy to remit the land value and lease amount of Rs.3,181.18 ps. for taking further action. The Mandal Revenue Officer through proceedings, dated 18.02.1988, transferred the land in Survey Nos.40 and 41 to an extent of Acs.10.25 guntas and Acs.7.09 guntas respectively of Muneerabad Village in the name of G.Jeevith Reddy on permanent basis. When the father of the said Jeevith Reddy submitted an application to the Mandal Revenue Officer, Medchal and copy to the Revenue Divisional Officer, Ranga Reddy East Division, the latter through letter, dated 03.04.2002, forwarded the said application to the Mandal Revenue Officer, Medchal for necessary enquiry. After enquiry,

the Mandal Revenue Officer came to the conclusion that the order, dated 18.02.1988 was obtained by playing fraud and accordingly passed fresh orders on 21.12.2002 cancelling the orders. Challenging the same, an appeal was preferred before the Revenue Divisional Officer, Ranga Reddy East Division and the same was dismissed on 24.05.2003. Aggrieved by the same, G.Jeevith Reddy preferred a revision before the Joint Collector, Ranga Reddy District (now, Medchal District). The Joint Collector by his order, dated 23.11.2004, held that the order of the Mandal Revenue Officer, dated 18.02.1988, and the revised order, dated 21.12.2002, suffer from incurable legal infirmities and accordingly set aside the same. Consequential order of the Revenue Divisional Officer, dated 24.05.2003, was also quashed. The Revenue Divisional Officer, East Division, who is the Manager of the Custodian Property, is directed to take necessary action as per the provisions of the Evacuee Property Act, 1950. Challenging the same, the present writ petitions were filed by G.Jeevith Reddy and his father.

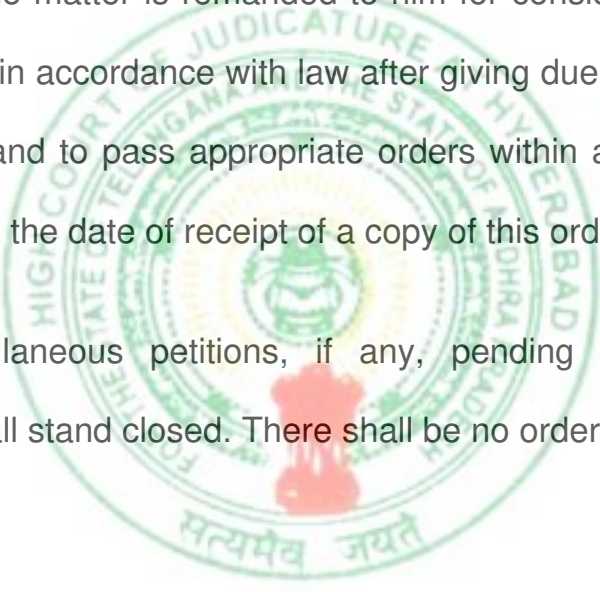
Learned counsel for the petitioners submit that the observations of the Joint Collector, Ranga Reddy District holding that the original order, dated 18.02.1988, transferring the lands in question in favour of Jeevith Reddy is contrary to the instructions of the Collector contained in letter, dated 19.01.1988, are beyond his jurisdiction as the issue before him was only with regard to the

validity of the subsequent order, dated 21.12.2002, passed by the Mandal Revenue Officer.

Therefore, learned counsel for both the parties agreed for remanding the matter to the Joint Collector, Medchal District for consideration of the case afresh in accordance with law.

In view of the consensus expressed by the learned counsel for the parties, the writ petitions are allowed and the order, dated 23.11.2004, passed by the Joint Collector, Medchal District is set aside and the matter is remanded to him for consideration of the case afresh in accordance with law after giving due opportunity to the parties and to pass appropriate orders within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.



A.RAMALINGESWARA RAO,J

Dt:12.06.2017

kdl