

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION Nos.7482, 7588, 7589, 7781 and 7784 of 2012

COMMON ORDER

Heard Mr.Abhisekh Reddy for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

The writ petitions are filed challenging proceedings No.G3/1387/2010/17/7, G3/1387/2010/17/9, G3/1387/2010/19/13, G3/1387/2010/17/10 and G3/1387/2010/17/14 respectively dated 25.02.2012 as violative of principles of natural justice, illegal, void and without jurisdiction.

The circumstances in all the writ petitions are substantially similar.

The counsel appearing for parties have treated W.P.No.7482 of 2012 as lead writ petition and have consented to disposing of the batch by referring to the averments in W.P.No.7482 of 2012.

W.P.No.7482 of 2012

The petitioners claim to be purchasers of agricultural land in Sy.No.135 of Thimmapur Village, Damaracherla Mandal, Nalgonda District and Sy.No.245 of Mudimanikyam Village and Mandal, Nalgonda District. The petitioners have placed on record Patta Certificate No.A4/663 dated 09.06.1993, pattadar pass books issued in their favour and 'No Objection Certificate' issued by the District Revenue Officer, Nalgonda at the time of purchase from one Orsu Lachaiah.

The petitioners by reference to the assignment, No Objection Certificate dated 22.12.2018 and also pattadar pass books, claim interest, right, title and possession of the respective extents purchased by petitioners. While the matter stood thus, the 2nd respondent issued impugned proceedings dated 25.02.2012 and the operative portion of the proceedings reads thus :-

“The Tahsildar, Damarcherla has reported that on verification of the D.R. for the year 1993 it is noted against the S.No.663, “as land allotted to freedom fighter Sri Orsu Lachiah, S/o.Venkaiah, R/o.B.Chandupatla’ and allotted to A4 Section. But Certificate issued from A section. There is no entry in personal register. On physical inspection of the land, it is noticed that the purchasers Sri Padigapati Venkat Reddy S/o.Koti Reddy R/o.Damaracherla in Sy.No.245 to an extent of Ac.1.00 gts Mudimankiyam village and also in Sy.No.135 to an extent of Ac.2.14 gts in Timmapuram village, Sri Padigapati Srinivas Reddy, S/o.Koti Reddy R/o.Damaracherla in Sy.No.245 to an extent of 1.00 gts Mudimankiyam village and also in Sy.No.135 to an extent of Ac.2.13 gts in Timmapuram village and Sri Padigapati Ram Reddy S/o.Koti Reddy R/o.Damaracherla in Sy.No.245 to an extent of 1.00 gts Mudimankiyam village and also in Sy.No.135 to an extent of Ac.2.13 gts. in Timmapuram village and the Tahsildar requested to accord permission to review the assignment case. As such the assignment Patta Certificate issued in Sy.No.135 to an extent of Ac.7.00 gts. of Timmapuram village and also in Sy.No.245/ 19 to an extent of Ac.3.00 gts at Mudimankiyam village of Damaracherla Mandal issued in favour of Sri Orsu Lachiah, S/o.Venkaiah, R/o.B.Chandubatla village of Chivvemla Mandal vide Certificate No.A4/ 663 dt.09.06.1993 is hereby cancelled for violation of assignment procedure.”

The main ground of challenge against the proceedings impugned in the writ petition is that the 2nd respondent assumed everything against petitioners and title holders, behind their back without notice to petitioners, issued proceedings impugned in the writ petition. Therefore, on the short ground alone, the proceedings impugned in the writ petition are liable to be set aside. The other ground of challenge is that the purchase by petitioners is after verifying the Certificate issued by District Revenue Officer, Nalgonda District and after expiry of reasonable period, exercising jurisdiction either revisional or otherwise is unavailable to respondents. The belated exercise of jurisdiction by respondents renders the proceedings impugned in the writ petition void and illegal. The petitioners pray for setting aside the proceedings impugned in the writ petition.

The Assistant Government Pleader replying to the first contention of petitioners i.e., violation of principles of natural justice by taking note of various references in the proceedings impugned submits that the proceedings impugned in the writ petition have been passed without notice to petitioners, who claim to have subsisting interest in the subject matter of writ petition. Therefore, he contends that the proceedings impugned in the writ petition can be set aside on the short ground of violation of principles of natural justice and matter may be remitted to respondents for action against the subject matter of writ petition in accordance with law.

On the other submission of Mr. Abhisekh Reddy namely that exercise of revisional jurisdiction at this point of time is not maintainable, the Assistant Government Pleader contends that exercise of jurisdiction by respondents is dependant on the fact situation of the case and if fraud or deception has been placed on the documents on which the respondents are relying upon, it is a matter of verification but not on assumption to prevent the authorities from enquiring into the alleged assignment transfer in favour of petitioners etc. According to him, these are basic facts, which require enquiry and proof before the respondents. He finally contends that the grounds now raised on the belated exercise of revisional jurisdiction are not available and ought to be left open for consideration by the authorities.

I have perused the record and taken note of the respective submissions.

The first contention is violation of principles of natural justice on which the respondents are unable to satisfy this Court that the proceedings impugned in the writ petition are passed after issuing notice to petitioners or giving them opportunity as per the enactment under which the respondents intended to cancel the assignment or declare that the alienation in favour of petitioners is illegal.

On the said short ground, the proceedings impugned in the writ petitions are set aside. Proceedings No.G3/1387/2010/17/7,

G3/1387/2010/17/9, G3/1387/2010/19/13, G3/1387/2010/17/10 and G3/1387/2010/17/14 respectively dated 25.02.2012 are restored for consideration by 2nd respondent in accordance with law.

After file is restored, the 2nd respondent issues notice to petitioners within six weeks from the date of receipt of a copy of this order.

The petitioners on receipt of notices are given liberty to file reply before 2nd respondent raising all objections including the jurisdictional objection on which no view is expressed by this Court.

The 2nd respondent considers objections, verifies the record from the office of 3rd respondent and as are deemed fit, orders are passed, as expeditiously as possible, preferably within three months from the date of filing of explanation by petitioners.

The parties are directed to maintain *status-quo* in all aspects as on today for a period of four months from today.

The writ petitions are ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 02-04-2018
Prv

