

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1715 OF 2018

ORDER:

Heard learned Senior Counsel Sri Vedula Venkata Ramana for the petitioner and the learned Government Pleader for respondents.

This writ petition is filed challenging the initiation of action by the first respondent against the order of regularisation by the second respondent in proceedings No.A/145/1996, dated 06.06.1996 and 17.08.2000.

It appears that the petitioner and eighty others submitted an application stating that they have purchased the lands mentioned against their names situated at Bachupalli Village, Qutbullapur Mandal, Ranga Reddy District, under an agreement of sale dated 28.06.1955 and 04.12.1972 from the original owners of the land and sought regularisation of their lands. The lands sought to be regularised were recorded as 'Kharij Khata' in respect of the some survey numbers and patta in respect of some other survey numbers. On verification of the records, the second respondent passed the order on 06.06.1996 regularising the unregistered sale deeds under Section 5-A of the Record of Rights and Pattadar Pass Books Act, 1971, in respect of the land of an extent of Acs.379.04 guntas situated in Survey Nos.101, 187 to 207, 209, 223, 257, 258, 281 and 282 of Bachupalli Village, Qutbullapur Mandal, Ranga Reddy District. It appears that the said survey numbers originally formed part of survey No.103 and during re-survey, the said survey numbers were allotted. After re-survey, while issuing supplementary sethwar, it was noticed that there is an excess land of Acs.35.00 guntas in possession of the purchasers through the original land owners and the excess area was allotted survey No.515 for an extent of Acs.18.00 and Survey No.516 for an extent of

Acs.17.00. The second respondent passed orders regularising the excess area in favour of the petitioner. The excess area was found out on the application made by the original owners Hashim Ali and others, dated 31.12.1996 and consequent to a letter addressed by the Assistant Director of Survey and Land Records, dated 13.07.1998 to the Mandal Revenue Officer, Quthbullapur Mandal. It appears that consequent to the regularisation proceedings issued on 17.08.2000, pattadar pass books and title deeds were issued in favour of the petitioner. Now the first respondent issued a notice for enquiry in respect of regularisation of the said extent of Acs.35.00 situated in Survey Nos.515 and 516 under proceedings, dated 17.08.2000, on the ground that during the field visit, he noticed certain irregularities while verifying the said proceedings. He noticed some extrapolations in the Survey Numbers by including the Survey No.103 (old) and utilising the challan Nos.388, dated 14.06.1996, 433, dated 14.06.1996 for regularisation of lands in Survey Nos.515 and 516 also.

This Court also noticed from the record filed along with the writ petition that the original claim of the petitioner and eighty others is in relation to the extent of Acs.379.04 guntas, for which regularisation proceedings were issued on 06.06.1996 and later on, the original owners submitted an application on 31.12.1996 stating that excess land is in their possession and on survey, it is noticed that there is an excess land of Acs.35.00 found excessive in respect of old Survey No.103. Thereafter, a supplementary sethwar was issued in respect of the said excess land and it is not known as to whether the said land was covered by the Agreement of Sale or not. However, the petitioner appears to have filed an application on 12.11.1999 and on his application, the proceedings were issued by the second respondent on

17.08.2000. Now the main enquiry of the first respondent is directed against the proceedings dated 17.08.2000 and *prima facie*, this Court feels that the enquiry should be proceeded by the first respondent for the reasons stated above. In view of the same, this Court is not inclined to interfere with the impugned notice, dated 18.12.2017 and it is open to the petitioner to state his case in support of his regularisation proceedings before the first respondent.

Learned Senior Counsel for the petitioner submits that the first respondent should not have initiated the proceedings after lapse of seventeen years and he relied on the decision of the Supreme Court in **Joint Collector, Ranga Reddy District vs. D.Narsing Rao**¹. The ratio laid down in the said decision is not applicable to the facts of the present writ petition as the first respondent noticed the irregularity during his field inspection and he *prima facie* found some fraud in the transaction. The first respondent is at liberty to conduct enquiry and the said enquiry cannot be interdicted by this Court.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

29.01.2018
pln

¹ (2015) 3 SCC 695