

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.23863 of 2004

ORDER:

Heard Mr.Jalli Narender for petitioner, Mr.Srinivasa Rao for 5th respondent and the learned Assistant Government Pleader for Revenue.

One Palle Buchi Ramulu challenges the proceedings of the District Revenue Officer/2nd respondent, Karimnagar vide No.D1/8668/2003. Through the proceedings impugned in the writ petition, the 2nd respondent purporting to exercise the jurisdiction under the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (*for short 'the Act'*) passed the order. The 2nd respondent in exercise of his power under Section 166 (B) of A.P.(Telangana Area) Land Revenue Rules 1317 fasli records the following findings:

“Heard the arguments of the Respondents and examined the witnesses and a perusal of records, it is revealed that the land in Sy.No.28 to an extent of 1.10 acres was purchased by Late Palle Narsaiah F/o Respondent Sri Palle Satyanarayana on 2-1-1983 from Palle Buchi Ramulu S/o Bheemaiah R/o Sulthanpur through simple Sale deed. On demise of late Palle Narsaiah mutation was granted in favour of Sri Palle Satyanarayana and implemented in the ROR and the respondent is in continuous possession and enjoyment

of the land in question and paying the L.R. to Government.

In view of the above facts, it is concluded that Sri Palle Satyanarayana S/o Late Narsaiah is the rightful owner, Pattedar and enjoyer of the land Sy.No.28 extent 1.10 acres of Sulthanpur village. Hence, the appeal is dismissed.

The claim of Sri Palle Satyanarayana under ROR has been disposed off u/r 22 instead of rule 3 and 9 of ROR Act 1971. Therefore, the Mandal Revenue Officer, Eligaid is directed to collect stamp duty and Registration fee from the Respondent Sri Palle Satyanarayana as per ROR Act 1971 and report compliance.”

Mr.Jalli Narender, apart from other contentions raised in the affidavit contends that the exercise of power under Section 166 (B) of 1317 fasli is not warranted and amounts to exercising the jurisdiction, not conferred on the 2nd respondent. Even assuming, without admitting, the 2nd respondent has jurisdiction to look into the Record of Rights maintained by respondent No.4, the order impugned is violative of principles of natural justice. Further, the proceedings in favour of petitioner must be independently challenged under one or the other sections of the Act. In such an eventuality, the issue, on the right claimed by the petitioner herein and objections raised before the 2nd respondent are considered and appropriate orders are

passed and exercising jurisdiction under 1317 fasli resulting in injustice to petitioner.

I have perused the record produced by the learned Assistant Government Pleader.

The impugned proceedings do not refer to notice said to have been issued to petitioner. Secondly, the 2nd respondent exercises the jurisdiction under Section 9 of the Act and passes orders on the Record of Rights maintained by 4th respondent.

After perusing the record, this Court is satisfied, the proceedings impugned in the writ petition suffer from patent illegalities. If maintaining the Record of Rights is irregular etc., the person aggrieved by such irregular maintenance of record ought to have worked out the remedies in accordance with the Act or filed a revision under Section 9 of the Act. In the case on hand, this procedure is not followed.

The proceedings impugned in the writ petition hereby are set aside. This Court has not examined the merits of the claim of petitioner and the 5th respondent. The parties, if are aggrieved by an entry or mutation, are given liberty to work out their remedies independently. Except the above

two grounds, no other ground is raised by the counsel appearing for the parties.

Writ petition is ordered accordingly. No order as to costs.

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

S. V. BHATT, J

Dt: 14.03.2018
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