

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.401 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.K.Sreenivas for appellant, Mr.K.Venumadhav for respondents 1 to 3 and the learned Government Pleader (Revenue) for respondent Nos.4 to 7.

2. The writ appeal is at the instance of third party to W.P.No.10339 of 2012. The appeal is filed with the leave granted by this Court in I.A.No.3 of 2018.

3. Respondents 1 to 3 herein filed W.P.No.10339 of 2012 substantially complaining inaction of respondents 4 to 7 in considering and implementing the orders of respondents 4 to 7 by mutating in revenue records, as illegal, contrary to the Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act') and unconstitutional.

4. The subject matter of writ petition is Acs.8-30 Gts in Sy.No.124, Acs. 1-04 Gts in Sy.No.125 and Acs. 1-23 Gts in Sy.No.126 at Chandippa Village, Shankarpally Mandal, Ranga Reddy District.

5. On 19.01.2016, the writ petition was disposed of as follows:

“In view of the above and as claim of the petitioners is to mutate the names of father of the petitioners in the revenue records and issue pattadar pass books and title deeds in respect of the lands referred to above, the Writ Petition is allowed directing respondents 2 to 4 to take

steps in accordance with law for issuance of pattadar pass books and title deeds in respect of the lands in question at the earliest”.

6. The appellant contends that he has subsisting interest in subject matter of the writ petition. The implementation in revenue record is carried out by the authorities through Lr.No.D1/2953/2012 dated 31.10.2016 which resulted in issuance of fresh order for implementation in favour of respondents 1 to 3. The appellant relies on a few orders to contend that the very basis on which implementation is requested by respondents 1 to 3 at subsequent point of time was reversed by the appellate authority. Respondents 4 to 7 without issuing notice to appellant or taking note of the objections raised have passed the orders by referring to the order in W.P.No.10339 of 2012. Thus, the appellant is denied right by the writ order and the authorities under the Act.

7. The counsel for appellant submits that the remedy under Section 9 of the Act is effective and the revisional authority can certainly go into the claims of appellant as well as respondents 1 to 3 and pass orders. He prays firstly for setting aside the order under appeal or alternatively granting liberty by way of direction to appellant to avail the remedy of revision before the Joint Collector under Section 9 of the Act.

8. Mr.Venumadhav contends that the implementation of order of this Court gives rise to fresh cause of action and the party if aggrieved

can certainly work out the remedies under the statute. Therefore, he consents to disposing of the writ appeal by this order.

- (i) The appellant is given liberty to file revision under Section 9 of the Act within four weeks from today by enclosing a copy of this order for correction, continuation or maintenance of records of right for Sy.Nos.124, 125 and 126 situated in Chandippa Village, Shankarpally Mandal, Ranga Reddy District;
- (ii) The revisional authority/Joint Collector calls for the record relating to the subject matter, keeps in view the principle laid down by this Court in **KURUVA HANUMANTHAMMA v. PRINCIPAL SECRETARY, REVENUE DEPARTMENT, HYDERABAD, AND ANOTHER¹** and passes orders after affording opportunity to both parties within three months from the date of filing of revision.
- (iii) The parties are directed to maintain *status quo* as regards possession and enjoyment till the revision is disposed of and order communicated to parties.

The writ appeal is, accordingly, disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

10th September, 2018

NOTE:
CC in (3) days B/o Lrkm

¹ 2018(1) ALD 290