

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 9336 of 2018

Date : 9.4.2018

Between:

Babburi Kamalamma W/o late Narasimha
70 years R/o Imamguda village, Abdullapurmet mandal
Ranga Reddy district and another

Petitioners

And

State of Telangana
Rep by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioners herein succeeded before the Tahsildar-3rd respondent in getting their names mutated in revenue records by order dated 14.2.2018. On the same day he has also passed separate orders directing the Mandal Revenue Inspector/Village Revenue Officer, Imamguda village to take necessary entries in respect of lands in Survey No. 5/Aa & 13/Aa of Imamguda village in the name of petitioners. Aggrieved by the said order of Tahsildar, unofficial respondents preferred revision before the Joint Collector. The Joint Collector by the order impugned, set aside the order of the Tahsildar and remitted the matter to Tahsildar with direction to verify the records and orders passed by Civil Court and to pass appropriate orders.

2. Petitioners challenge the said order of the Joint Collector on the ground that it was passed without notice or opportunity to the petitioners. On 7.3.2018 notice was issued fixing 9.3.2018 at 4.00 PM as date of hearing but on the same day Joint Collector passed orders without affording due opportunity. It is also contended that no revision is directly maintainable before the Joint Collector, therefore, the order is ex-facie illegal.

3. On the contrary, learned counsel representing unofficial respondents would submit that even Tahsildar order is liable to be set aside on the ground that order was not preceded by notice and opportunity.

4. Though, learned counsel for petitioners sought to contend that the order of Tahsildar would refer service of notice on the persons whose names are reflected in the Revenue Records, at the bottom of the order,

copies are marked to the petitioners and no copy was marked to unofficial respondents and there is no material to show that notices are served before undertaking the exercise on the application submitted by the petitioners.

5. Learned counsel for petitioners submitted that pursuant to the orders of the Tahsildar, the revenue records reflect the names of the petitioners as evident from documents placed at page numbers 152 and 153 of paper booklet. On the contrary, learned counsel for unofficial respondents has placed on record the adangal copy dated 19.3.2018 showing that their names are now reflected in the revenue records pursuant to the orders of the Joint Collector.

6. Having regard to the deficiencies noticed in the respective orders of the Tahsildar and Joint Collector, both counsel agreed for remitting the matter to the Tahsildar for consideration of the issue afresh, however, both counsel requested to fix time schedule to complete the exercise.

7. Having regard to these submissions, order of the Joint Collector dated 9.3.2018 impugned in the writ petition as well as order of the Tahsildar dated 14.2.2018 are set aside and matter is remitted to Tahsildar-third respondent for consideration of the applications filed by the petitioners for correction of revenue records concerning land in survey no. 13/AA admeasuring Ac.4.28 guntas and survey no. 5/AA admeasuring Ac.7.30 guntas, Imanguda village, Abdullapurmet mandal, Ranga Reddy district. The Tahsildar shall conduct hearing on 28.4.2018 at 3.00 PM. Parties or their counsel shall appear before the Tahsildar at 3.00 PM on 28.4.2018 and make their submissions. If for any reason, Tahsildar, adjourns the matter, he shall also fix the next date and finalise the proceedings. However, the entire exercise shall be completed and appropriate orders be passed before 31.5.2018 after affording due opportunity to parties. Till the orders are passed by the Tahsildar, status

quo existing as on today to be maintained with regard to entries in the Revenue Records. Accordingly, Writ Petition is allowed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:09-04-2018
TVK

P NAVEEN RAO,J



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