

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.4320 OF 2006

ORDER:

It is the case of the petitioners that they are the absolute owners and possessors of land admeasuring Ac.77-36 guntas in Sy.Nos.120, 121, 125, 126 and 127 of Oorella Village, Chevella Mandal, Ranga Reddy District. On 06.01.1978, the first petitioner, who is the father of petitioner Nos.2 and 3, entered into an agreement of sale with respondents 4 to 9 and thereafter a sale deed has been executed only to the extent of Ac.63-36 guntas out of Ac.77-36 guntas. With regard to remaining extent of land admeasuring Ac.14-00 guntas i.e., Ac.6-00 guntas in Sy.No.125 and Ac.8-00 guntas in Sy.No.127 of Oorella village, Chevella Mandal, Ranga Reddy District, respondents 4 to 9 approached respondent No.3 for getting validation of remaining extent of land admeasuring Ac.14-00 guntas relying on the agreement of sale dated 06.01.1978. Respondent No.3, without giving opportunity to the petitioners, has issued 13-B proceedings on 14.10.1991, validating the agreement of sale and also mutated the names of respondent Nos.4 to 9 in the revenue records. The petitioner, having known about the same through the entries of pahanies, had approached respondent No.2 by way of an appeal under Section 5(5) of A.P.Rights in Land and Pattadar Passbooks Act, 1971 and the same has been dismissed by order of respondent No.2 dated 28.08.2003 on the ground that he is not empowered to entertain the appeal. Challenging the same, the petitioners preferred a revision before respondent No.1 under Section 9 of the Act.

Respondent No.1, without appreciating the legal position and the facts, vide Memo dated 22.06.2005, has rejected the revision, holding as not maintainable.

3. Heard.

4. The learned counsel for the petitioners placed reliance on Full Bench Judgment of this Court in **Santosh Verma v. Joint Collector, R.R. District**¹, wherein it was held that under Section 9 of the Act, revision lies to the District Collector.

5. It is apparent from the proceedings of the official respondents that orders are passed without appreciating the facts on record and hence the order of respondent No.1 is liable to be set aside. Though the petitioner made the Joint Collector, Ranga Reddy District as the first respondent and stated that he has passed the impugned proceedings Memo dated 22.06.2005, a perusal of the said Memo shows that it is passed by the District Collector, Ranga Reddy District, but not by the Joint Collector. However, to meet the ends of justice, the issue of limitation as referred in the impugned order is negated.

6. In the circumstances, though the District Collector, Ranga Reddy District has not made as a party to this writ petition, as the impugned Memo dated 22.06.2005 has been passed by him, the impugned memo dated 22.06.2005 is set aside and the matter is remanded to the District Collector, Ranga Reddy District for

¹ (2011) 3 ALT 683

deciding the same afresh, in accordance with law, after affording opportunity of hearing to both sides. The petitioners are at liberty to file additional evidence before the District Collector, Ranga Reddy District within a period of one month from today and he shall decide the revision within three months thereafter.

7. Hence, the writ petition is allowed as indicated above. No costs. Miscellaneous petitions pending, if any, shall stand closed.

Date: 19.01.2018
TJMR

T.AMARNATH GOUD, J

