

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.20100 of 2007

ORDER.

Assailing the order of respondent No.3 dated 30.10.2006 which was confirmed by respondent No.2 on 21.12.2006 and by respondent No.1 on 02.6.2007, the present Writ Petition has been filed stating that for the purpose of carrying out the mutation proceedings in the revenue records, the case of the petitioner was not appreciated on the facts and the judgment and decree, dated 27.01.1989, in O.S.No.242 of 1988 on the file of the District Munsif, Ibrahimpatnam, Ranga Reddy District filed before respondent No.3 were also not considered.

As regards the orders of respondent Nos.1 and 2 referring to the matter as barred by limitation, the learned counsel for the petitioner submitted that the Rights in Land and Pattadar Pass Books Act does not provide for time limit and the petitioner made the application before the respondents in reasonable time and there was no inordinate delay.

Mr. Harish, learned Assistant Government Pleader for Revenue (Telangana), submitted that third parties interested in the subject land are also necessary to be heard in this matter and

it is a case where the title, possession and other allied issues need to be gone into.

Having heard the learned counsel for both parties and on perusal of the material papers on record, this Court is of the opinion that this is a fit case to remand the matter to respondent No.3.

The objections which are raised by the respondents, viz., (1) the issue of limitation, (2) not filing the papers in proper form, and (3) not quoting the correct legal position, are negatived.

Accordingly, the Writ Petition is disposed of setting aside the impugned order and the matter is remanded to respondent No.3. The petitioner shall file a fresh application along with the material papers in support of his claim before respondent No.3 within a period of four weeks from the date of receipt of a copy of this order and thereafter, respondent No.3 shall issue notice to the petitioner as well as all other parties concerned, who are interested in the subject matter, afford them an opportunity of being heard and pass appropriate order afresh by referring to judgment and decree dated 27.01.1989 in O.S.No.242 of 1988

on the file of the District Munsif, Ibrahimpatnam, Ranga Reddy District.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.

JUSTICE T.AMARNATH GOUD

25th April 2018

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