

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.7458 OF 2006

ORDER:

This writ petition is filed challenging the order of the first respondent dated 07.03.2006 in File No.D5/30/2006.

2. Heard Sri Pavan Reddy, learned Assistant Government Pleader for Revenue.

3. It is the case of the petitioners that their father i.e., respondent No.4 herein, was the owner and pattedar of the agricultural lands admeasuring Ac.18-23 guntas in Sy.Nos.4, 11 to 17, 23, 24, 25, 26/1, 26/2, 364, 365 & 367, situated at Mankhal, Maheshwaram Mandal, Ranga Reddy District. Respondent No.4, being the father, orally gifted the said properties to the petitioners in the year 1972 and thereafter, he confirmed the oral gift by executing a confirmation deed dated 23.05.1982. On application by the petitioners, respondent No.3, after due enquiry, issued proceedings No.B/855/02, dated 23.05.2002, granting mutation of the said lands in favour of the petitioners and deleting the name of respondent No.4. The petitioners were also granted pattadar passbooks and title deeds by the revenue authorities. Thereafter, the petitioners alienated an extent of land admeasuring Ac.2-23 guntas in Sy.Nos.364, 365 and 366 in favour of respondent No.5 and an extent of land admeasuring Ac.10-28 guntas in Sy.Nos.4, 11 to 17, 23, 24, 25, 26/1 and 26/2 in favour of respondent No.6. The remaining land admeasuring Ac.5-15 guntas Sy.Nos.4, 11 to 17, 23, 24, 25, 26/1 and 26/2 is in the possession of the petitioners.

4. While so, challenging the proceedings of respondent No.3 in No.B/855/02, dated 23.05.2002, respondent No.4 preferred an appeal before respondent No.2, after lapse of two years. Respondent No.2 allowed the said appeal by his order dated 05.12.2005, directing respondent No.3 to restore the entries in favour of respondent No.4. Challenging the said order, the petitioners and respondent No.4 preferred revisions before respondent No.1. Respondent No.1, by order dated 07.03.2006, disposed of the revisions by setting aside the orders of respondent Nos.2 and 3 and referred the parties to Civil Court to get their respective claims adjudicated in view of the disputed questions of facts and rival claims upon the subject lands. He further held that thereafter the parties may approach the Revenue Authorities for appropriate relief under the ROR Act.

5. A perusal of the impugned order, it is clear that as there were disputed questions of facts and rival claims over the subject lands, respondent No.1 referred the parties to a Civil Court, which is a competent forum, for adjudicating their claims. I see no infirmity in the order of respondent No.1 and hence the writ petition is liable to be dismissed.

6. The writ petition is accordingly dismissed confirming the order of respondent No.1 dated 07.03.2006 in File No.D5/30/2006. As a sequel, the miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 11-09-2018
TJMR