

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.3639 of 2006

ORDER:

This writ petition is filled to declare the proceedings No.D/ 7858/ 98 dated 04.11.2001 of the Joint Collector and the consequent endorsement vide No.D1/ 78/ 2004 dated 09.12.2004 issued by the District Collector rejecting the request of the petitioner for rectification of revenue records, as illegal and arbitrary.

2. The case of the petitioner, in brief, is as follows:

The petitioners and their predecessors are the absolute owners and possessors of the land admeasuring Ac.3.02 guntas in Sy.No.299, Ac.13.19 guntas in Sy.No.282, Ac.0.15 guntas in Sy.No.283, Ac.0.30 guntas and Ac.13.19 guntas in Sy.No.270, Ac.1.30 guntas in Sy.No.280, Ac.15.23 guntas in Sy.No.220 and Ac.11.36 guntas in Sy.No.232 of Kothur village, Mahabubnagar District; the family members of the petitioners have purchased the above said properties from the original pattadars, Abbas Hussain and Ahmedunnisa Begum and the said transaction was approved by the then Subhedar, Medak, vide proceedings No.1214/ 11215 dated 20th Aban 1354 Fasli; at that point of time one G.S Reddy made claim and this Court in SA No.1020/ 4 of 1357 Fasli, dismissed the same on 08.12.1954 confirming that the said G.S Reddy does not have any claim; after dismissal of the second appeal, the vendors of the petitioners approached the District Collector; the District Collector had examined the issue in Case No.B4/ 203/ Tan-App/ 57 and passed an order on 06.09.1959 directing the Tahsildar, Chevella to take necessary action to effect the names of the family members of the petitioners; since then the family members of the petitioners have been requesting the

respondents to rectify the revenue records pursuant to the orders passed by the then District Collector dated 06.09.1959; when the respondents did not respond, they made a representation to the Joint Collector-2nd respondent in the year 1999, which was received by their office on 01.07.1999; surprisingly, the 2nd respondent vide endorsement dated 04.11.2001 rejected the request of the petitioners observing that it is not open to seek mutation after a lapse of 40 years; since the delay is on the side of the respondents, the petitioners cannot be found fault on the ground of delay; the petitioners preferred an appeal to the District Collector and the Collector overlooking the proceedings dated 06.09.1959, issued the impugned proceedings dated 09.12.2004; they also made a representation to the Revenue Divisional Officer on 16.07.2005 stating that the third parties are trying to grab the land and hence, the writ petition.

3. This writ petition was admitted on 27.02.2006. WP MP No.4528 of 2006 filed by the petitioners seeking stay of all further entries in the revenue records pertaining to the subject land was refused by this court on the same day. No appeal whatsoever has been filed challenging the said orders in WP MP No.4528 of 2006.

4. As seen from the record, the petitioners filed application before the Joint Collector, Mahabubnagar, seeking implementation of the orders issued by the Collector in File No.B4/ 203/ Ten-app/ 57 dated 06.09.1959. The said request was rejected by the Joint Collector, vide endorsement No.D/ 7858/ 99 dated 04.11.2001, which reads as follows:

“The petitioner is hereby informed that in this case unless and until the sale made in favour of 3rd parties is set-a-side by a competent Court, it is not open to seek mutation of their names in the revenue records after lapse of 40 years. Even the limitation for filing writ petition the guiding factor is just like a civil suit as held

by the Hon'ble Supreme Court in 2000 SC 671. Hence his request for implementation of orders at this juncture is rejected."

5. The petitioners also filed an application before the Collector, Mahabubnagar and the Collector also rejected the request of the petitioners vide endorsement dated 09.12.2004. The petitioners sought implementation of the orders of the Collector in File No.B4/ 203/ Ten-app/ 57, dated 06.09.1959, after a lapse of 40 years, in the year 2001. Many sale transactions might have taken place in these forty years and no explanation is forthcoming as to why the petitioners waited for 40 years seeking implementation of the orders of the Collector. Further, in the writ affidavit, the petitioner does not disclose as to how they acquired the said properties, except saying that the family members have purchased the said property from the original pattadars. As the delay is not explained by the petitioners as to why they are seeking implementation of the orders of the Collector after a lapse of forty years, and as the said property might have changed hands during these forty years, no orders can be passed in this writ petition at this stage.

6. This Court finds no merit in this writ petition and is accordingly, dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 20.07.2018
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