

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No. 926 of 2018

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant-writ petitioner and the learned Government Pleader for Revenue for respondents 1 to 4.

2. We do not propose to issue notice to respondents 5 to 18 since they had not appeared before the learned Single Judge and having regard to the nature of the judgment being passed hereunder.

3. Going by the submissions of the learned counsel for the appellant, respondents 9 and 10 applied for mutation of certain items of lands. That was objected to by respondents 5 to 8, at whose instance, the proceedings were remitted by the appellate authority – the Revenue Divisional Officer, Warangal Urban District, to the fourth respondent-Tahsildar, Kazipet Mandal, to conduct *de novo* enquiry. By that time, respondents 5 to 8 are stated to have transferred that property to the appellant by asserting their title thereto. Whatever may be the rival contentions as to the title and eligibility for mutation, while the matters were pending before the Tahsildar, Kazipet, consequent on the order of remand, a revision was filed before the Revising Authority and Joint Collector, Warangal Urban District, who is the statutory Revisional Authority. That Revisional Authority ultimately confirmed the order of remand.

4. The plea of the appellant is that even before the passing of the order by the Revisional Authority confirming the order of remand, the remand order had worked itself out since it was obeyed by the Tahsildar, Kazipet, and consequential decision was finally taken.

5. The appellant herein filed the writ petition because the Revisional Authority had directed further action to be taken following the order of remand made by the Revenue Divisional Officer and the Tahsildar appeared to be under the impression that he has to carry out the entire exercise *de novo*. The learned Single Judge, apparently, without noticing the so called finality attained by the order of remand made by the Revenue Divisional Officer, which had also been effectuated by the Tahsildar, refused to entertain the writ petition.

6. We see considerable substance in the plea of the appellant that the directions contained in the order dated 04.06.2018 in W.P.No.17046 of 2018, which is impugned in this writ appeal, would tend to result in multiplicity of proceedings and even conflict of decisions. Therefore, the best course that would be open to us is to set aside the impugned order of the learned Single Judge and remit the writ petition for *de novo* consideration after issuance of notice on the writ petition to all the private parties. We do so, clarifying that whatever we have stated hereinabove are only on the basis of the uncontested submissions and would not be binding in the proceedings before the learned Single Judge. List the writ petition

before the learned Single Judge for consideration of the same afresh following this judgment. The writ appeal is ordered accordingly.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

THOTTATHI L B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

Date: 11.07.2018
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