THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.20522 OF 2007

ORDER:

This Writ Petition was filed seeking to quash the order of the Revenue Divisional Officer dated 21.09.2007 and consequential direction was sought to restrain the Revenue Divisional Officer from proceeding further with the enquiry.

While admitting the Writ Petition on 04.10.2007, this Court granted interim direction suspending the order of the Special Deputy Collector and Revenue Divisional Officer, Ranga Reddy in Case No.A2/4340/2007 dated 21.09.2007, suspending the order of the Tahsildar, Maheshwaram dated 19.03.1996 in proceedings No.D/362/1996. However, it was made clear in the said order that further enquiry as contemplated pursuant to the order dated 21.09.2007 in Case No.A2/4340/2007 of the first respondent may go on.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue for the respondents 1 and 2 and Sri L.Prabhakar Reddy, learned Standing Counsel for the respondents 3 and 4.

The brief facts of the case, according to the petitioners, are that the petitioners purchased an extent of Acs.15.00 in Survey No.1/3 of Raviryala Village, Maheshwaram Mandal, Ranga Reddy District, under an unregistered document and they applied for regularisation under Section 5-A of the A.P. Record of Rights in Lands and Pattadar Pass Books Act, 1971 ("the Act" for brevity); the same was regularised vide proceedings dated 19.03.1996; as the respondents 3 and 4 i.e. the A.P. Industrial Infrastructure

Corporation Limited (APIICL) were claiming title to the said land, the petitioners filed O.S.No.798 of 2007 on the file of the I Additional District Judge, Ranga Reddy District, seeking declaration of title and injunction in respect of the said land; the said suit and injunction petition are pending; while the matter stood thus, the Revenue Divisional Officer issued the impugned proceedings dated 21.09.2007 suspending the orders of the Mandal Revenue Officer dated 19.03.1996; the Revenue Divisional Officer does not have *suo moto* power or jurisdiction under Section 5(5) of the Act in the absence of an appeal preferred by an aggrieved person under Section 5(5) or Section 5-B of the Act; and that the proceedings are initiated after a lapse of eleven (11) years from the date of regularisation.

Counter affidavit has been filed by the APIICL stating that the alleged unregistered document is created and fabricated by the petitioners to grab the Government land; the entire survey No.1 is Government land acquired by the State Government along with other 13 Kanchas to an extent of Acs.15,964.28 guntas from the Nizam of Hyderabad vide gazette dated 15.03.1956; and hence, the Revenue Divisional Officer granted stay of the order of the Tahsildar on 19.03.1996 until further orders.

As seen from the order of the Revenue Divisional Officer, the Tahsildar reported that the subject land is a Government land, which was alienated in favour of APIICL, the matter was interfered with and the orders of the Mandal Revenue Officer are suspended pending enquiry.

When the matter came up for hearing on 31.07.2018, learned Assistant Government Pleader for Revenue sought time to get instructions as to whether the final orders have been passed by the Revenue Divisional Officer. Today the learned Assistant Government Pleader passed on the final order passed by the Revenue Divisional Officer dated 25.08.2008. As seen from the proceedings of the Revenue Divisional Officer dated 25.08.2008, the Revenue Divisional Officer passed orders under Section 5(5) of the Act. The said order shows that notices were issued to the concerned on 21.09.2007. Revenue Divisional Officer set aside the orders of the Mandal Revenue Officer dated 19.03.1996 and cancelled the certificate. In the said order of the Revenue Divisional Officer, it was also observed that the petitioners may approach the revenue authorities after receipt of final orders from the Civil Court in O.S.No.798 of 2007 on the file of the I Additional District Judge, Ranga Reddy District. As the final orders have been passed by the Revenue Divisional Officer and as the Writ Petition itself is for challenging the interim order passed by the Revenue Divisional Officer, no further orders are necessary in the Writ Petition. However, the petitioners are given the liberty to avail the remedies which are available to them in accordance with law.

The Writ Petition is, accordingly, closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(KONGARA VIJAYA LAKSHMI, J)

1st August 2018
RRB