THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.M.P.No.49731 of 2017
And
WRIT PETITION No.14427 of 2017

ORDER:

W.P.M.P.No.49731 of 2017 is filed to implead petitioners-proposed respondents 6 to 10 as respondents 6 to 10 in W.P.No.14427 of 2017.

2) For the reasons stated in the accompanying affidavit, the implead petition is ordered.

3) Memo, dated 22.03.2017, issued by the 4th respondent-Tahasildar to the petitioner is challenged before this Court.

4) It is the case of the petitioner that the Memo came to be issued at the instance of the MLC, who had approached the Sub-Collector, and the Tahasildar has no right to interfere with the disputes, if any, with respect to the land, over which he has right, possession and enjoyment and also has been granted pattadar passbooks. Even assuming, the applicants, who had approached the MLC, had any right, they had to take appropriate proceedings in accordance with law.

5) It is the case of the implead petitioners that they came to purchase the subject property from the ancestors of the writ petitioner and right from 1953-64, they are in peaceful possession and enjoyment of the property. The petitioner, without having knowledge about the implead petitioners, has approached the revenue authorities and got the entries made in the revenue records in his favour. In those circumstances, the implead petitioners had approached the RDO seeking correction of the entries made in the revenue records by filing a representation

dated 09.03.2017 and as there was no response from the Revenue Divisional Officer, they sought the help of the MLC. On account of the intervention of the MLC, the Sub-Collector had endorsed the representation of the implead petitioners to the Tahasildar, to take necessary action, pursuant to which the impugned memo came to be issued.

6) Learned Government Pleader for the Revenue submits that it is only a notice and the petitioner can as well place necessary material before the Tahasildar, who shall consider the respective rights and pass appropriate orders. Learned Government Pleader also fairly adopts the argument of the learned counsel for the implead petitioners.

7) Having considered the respective submissions, in the case on hand, the validity or otherwise of the impugned memo is questioned. While the implead petitioners claim right over the property, the petitioner submit that it is his ancestral property and since 1985, he is in possession and enjoyment of the same and the revenue record also discloses the said fact. According to the petitioner only a part of the property has been sold and the pattadar passbooks granted in his favour and the adangal copy also reflects his name.

8) As can be seen from the Adangal copy filed along with W.P., the petitioner‘s name appeared to have been entered vide proceedings dated 12.01.2016. Assuming for argument sake, the petitioner’s name came to be included in the revenue records by proceedings dated 12.01.2016 and if the implead petitioners are aggrieved by the same, they are required to take appropriate steps for correcting the same in accordance with law. It is not the case

of the implead petitioners that they filed an appropriate application before the revenue authorities invoking the provisions. Though the learned counsel for the implead petitioners submits that it is out of ignorance they had made a representation, but the ignorance of the implead petitioners cannot be a ground for the Sub-Collector or MLC to intervene and direct the lower authorities to take steps.

9) It is well-settled that if a statute prescribes a particular thing to be done in a particular manner, the same is to be done in that manner or not at all (see **Bhavnagar University v. Palitana Sugar Mill (P) Ltd. and others**[1]). In those circumstances, the memo being outside the purview of law, the same is set aside, however, with a liberty to the implead petitioners to approach the appropriate authority by invoking the correct provisions of law and seek remedy with respect to the entries, by challenging the proceedings, under which the same came to be granted.

10) Accordingly, the Writ Petition is disposed of. No costs.

11) Consequently, Miscellaneous Petitions pending, if any, shall also stand closed. No costs.

CHALLA KODANDA RAM, J.

Date:02.01.2018

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[1] 2003 (2) SCC 111