

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2231 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the order dated 3.10.2005 passed by the Joint Collector-II, Ranga Reddy District, and to quash the same by holding it as arbitrary, illegal and contrary to the provisions of A.P. (Telangana Area) Abolition of Inams Act, 1955.

2. Heard Sri K.S. Murthy, learned Counsel for the petitioners and Sri Shashidhar Guruvula, learned Counsel for the unofficial respondents and the learned Government Pleader for Revenue.

3. It has been submitted by the learned Counsel for the petitioners that the petitioners were granted Occupancy Rights Certificate (ORC) under A.P. (Telangana Area) Abolition of Inams Act and that the unofficial respondents filed a petition before the 1st respondent-Joint Collector-II contending that the petitioners are not entitled for occupancy rights certificate under the Act, and that the 1st respondent entertained and considered the said petition filed by the unofficial respondents and set aside the occupancy rights certificate issued in favour of the petitioners while directing the parties to approach the Civil Court which is competent to declare the genuineness of the sale documents said to have been made by the original Inamdars, and then, to approach the Revenue Divisional Officer for issuing occupancy rights certificate. It has further been submitted by the learned Counsel for the petitioners that the 1st respondent had straightaway cancelled the ORC granted in their favour, and instead of deciding the question as to whether the sale deeds produced by the

petitioners are genuine or not, the 1st respondent directed the parties to approach the competent Civil Court, and to approach the Revenue Divisional Officer for issuing ORC only after declaration made by the Civil Court as to the genuineness of the sale deeds. It has been contended that as per the A.P.(Telangana Area) Abolition of Inams Act, the jurisdiction of the Civil Court is taken away, and the competent authority to decide the issues in respect of A.P. (Telangana Area) Abolition of Inams Act, is the 1st respondent and that the 1st respondent instead of deciding the case directed the parties to approach the competent Civil Court for redressal of their grievances and straight away cancelled the occupancy rights certificate issued in favour of the petitioners.

4. The learned Counsel appearing for the unofficial respondents submits that the unofficial respondents have filed a Civil Suit in O.S.No.816 of 2006 on the file of the V Additional District Judge, Ranga Reddy District challenging the sale deeds produced by the petitioners and that the Civil Court rejected the suit on the ground that under A.P.(Telangana Area) Abolition of Inams Act, the civil court has no jurisdiction to entertain the suits and that the 1st respondent is the competent authority to adjudicate the dispute arising out of A.P. (Telangana Area) Abolition of Inams Act and that the 1st respondent should adjudicate the dispute raised by the unofficial respondents, but he cannot direct the parties to approach the Civil Court for ventilating their grievances.

5. The learned Government Pleader submits that the competent authority under A.P. (Telangana Area) Abolition of Inams Act, is the Joint Collector, to adjudicate the dispute in question.

6. I have considered the submissions made by the parties. The order impugned passed by the 1st respondent is contrary to law and contrary to the provisions of A.P. (Telangana Area) Abolition of Inams Act and therefore, the order dated 3.10.2005 passed by the 1st respondent is set aside, and the matter is remitted back to the 1st respondent for re-hearing the entire case and for passing appropriate orders, after giving opportunity to all the parties, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 25th January, 2018
Nn.



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25/1/2018

Nn.