

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL Nos.1225 & 1231 of 2018

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

These Writ Appeals arise from a common judgment.

2. Heard the learned counsel for the appellant and the learned counsel for the contesting parties in the two Writ Appeals.

3. The appellant is the writ petitioner in W.P. No. 25187 of 2018. He is the 6th respondent in W.P. No. 28026 of 2018. These two Writ Petitions were decided through the impugned common judgment. These two appeals are filed by the writ petitioner in W.P. No. 25187 of 2018. His father and others instituted Suit O.S. No. 92 of 1999 before the jurisdictional Civil Court against (i) the District Collector, Kurnool, (ii) Revenue Divisional Officer, Adoni, (iii) Mandal Revenue Officer, Devanakonda, (iv) Executive Officer of the Gram Panchayat, Devanakonda and (v) Executive Engineer, Panchayat Raj, Adoni, seeking declaration that he and his family has title to the property, which was the subject matter of that Suit. Reliefs for recovery of possession and for mandatory injunction for removal of an existing road were also sought for. Those reliefs were sought for on the assertion that the suit property was private holding belonging to the plaintiffs and members of the family and not the Government. That Suit was dismissed with the specific finding that the plaintiffs did not prove their title to the suit property. That decree dismissing O.S. No. 92 of 1999 has become final.

4. Notwithstanding the aforesaid finality attained at the hands of the judiciary, the appellant's father and, later, the appellant, started scouting different jurisdictions, including the revenue authorities as well as before

the Panchayat authorities. That led to different Writ Petitions before this Court and different proceedings by the revenue officials and Panchayat officials.

5. We are amazed to see that, through Ex.P7 communication in August, 2015, the then Tahsildar, Devanakonda, addressed the Revenue Divisional Officer, Adoni, expressing the view that there is an apparent mistake in so far as the land is concerned in the manner in which the land was dealt with by the Civil Court in O.S. No. 92 of 1999. The said Tahsildar criticized the then Mandal Revenue Officer and the Mandal Deputy Surveyor for their stand in O.S. No. 92 of 1999 that the land belonged to the Government. The said communication of the said Tahsildar is nothing but an attempt to over-reach the judicial verdict handed down through the decree in O.S. No. 92 of 1999.

6. The finality obtained by the dismissal of O.S. No. 92 of 1999 following an adjudication by the competent Civil Court cannot be got over by proceedings before the revenue officers or before the Panchayat authorities. The jurisdictional Panchayat appears to have taken a resolution on the premise that the land is a private land and, therefore, certain consequences, either by way of surrender or compensation, have to follow. That Panchayat decision to surrender the land on which road was laid long ago, or to compensate, is illegal and unavailable to be taken, because that is in conflict with the judicial verdict dismissing O.S. No. 92 of 1999. That is the subject matter of W.P. No. 28026 of 2018 filed by the petitioner therein challenging the Panchayat resolution in that regard.

7. The learned Single Judge dismissed W.P. No. 25187 of 2018 filed by the appellant and allowed W.P. No. 28026 of 2018 nullifying the decision of the Panchayat.

8. In the light of the aforesaid facts, reasons and legal principles stated above, we do not find any illegality or error of jurisdiction in the decision of the learned Single Judge. These Writ Appeals, therefore, fail.

9. In the result, these Writ Appeals are dismissed.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

Date: 25th September, 2018

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