

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.3494 and 3534 of 2019

COMMON ORDER:

Challenge in these two writ petitions is to the common order dated 05.07.2018 passed by the Joint Collector, Jangaon, in exercise of revisionary power under Section 9 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

The petitioner in W.P.No.3494 of 2019 is the third respondent in the two revisions while the petitioner in W.P.No.3534 of 2019 is the first respondent therein.

Heard Sri Venkat Reddy Donthi Reddy, learned counsel for the petitioners in both the writ petitions, and Sri D.V.N.Acharya, learned counsel representing Sri K.Ravinder Rao, learned counsel on caveat for the fourth respondent in the writ petitions, the petitioner in both the revision petitions. The fifth respondent in the writ petitions is shown as not a necessary party.

Perusal of the impugned revisionary order dated 05.07.2018 demonstrates that the Joint Collector, Jangaon, proceeded on the assumption that O.S.No.17 of 2009, being a partition suit, was pending before the learned Senior Civil Judge, Jangaon, and opined that when a civil case was pending between the parties, it would be appropriate for the authorities to wait for the outcome thereof and the decision of the civil Court. It is on this basis that he set aside the orders under revision and directed both parties to approach the competent civil Court for further redressal. He also directed the Tahsildar, Bachannapet Mandal, to restore the entries in the revenue records till the outcome of the proceedings before the competent civil Court.

Sri Venkat Reddy Donthi Reddy, learned counsel, would however inform this Court that the Joint Collector, Jangaon, was under a misconception as to the pendency of O.S.No.17 of 2009 on the file of the learned Senior Civil Judge, Jangaon. He placed before this Court a copy of the Lok Adalath Award dated 23.06.2012 passed in the said suit which demonstrates that the parties thereto settled their disputes by way of a compromise and a final decree for partition and allotment of the suit schedule properties therein was passed.

Be it noted that the parties to the revision petitions before the Joint Collector, Jangaon, were not parties to the aforestated suit but it is stated that the predecessors-in-title were. In any event, the said suit is not pending as on date and the Joint Collector was factually incorrect in assuming so and directing that the revenue authorities must await the outcome of this litigation. Sri Venkat Reddy Donthi Reddy, learned counsel, would further state that no civil suit is pending between the parties as on date. Sri D.V.N.Acharya, learned counsel, also affirms this.

In that view of the matter, it is clear that the Joint Collector, Jangaon, the revisionary authority, disposed of the two revisions under a factual misconception as to the pendency of the partition suit in O.S.No.17 of 2009 on the file of the learned Senior Civil Judge, Jangaon. Irrespective of the relevance of the said suit to the revision cases, the fact now emerges that the said suit stood compromised under the Award dated 23.06.2012 passed by the Lok Adalath at Jangaon.

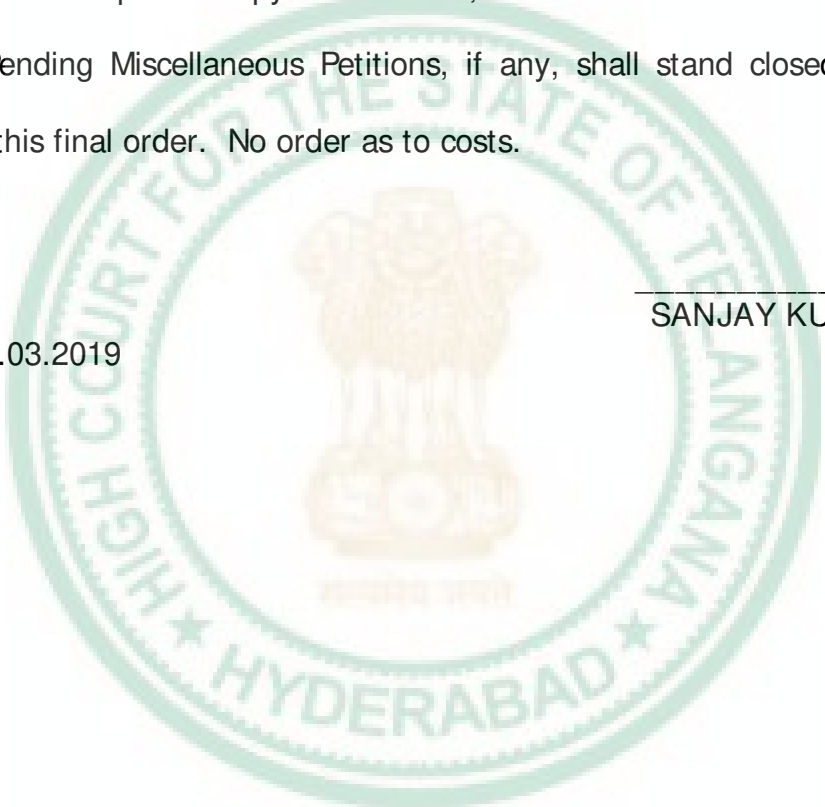
This Court is therefore constrained to hold that the revisionary order under challenge cannot be sustained when it was passed on such factual misconceptions.

The writ petitions are accordingly allowed setting aside the common order dated 05.07.2018 passed by the Joint Collector, Jangaon, in both the revision petitions. The revisions shall stand remanded to the said revisionary authority for consideration afresh on merits and in accordance with law. It is made clear that this Court has not gone into the merits of the matter and it is for the revisionary authority to adjudicate the issues arising therein uninfluenced by this order. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a copy of this order, be it from whatever source.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:05.03.2019

GJ

SANJAY KUMAR, J