

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3983 of 2019

ORDER:

The petitioner seeks to challenge the order dated 13.02.2019 passed by the Joint Collector, Jayashankar-Bhupalapally District, in exercise of revisionary power under Section 9 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 .

Heard Sri E.Madan Mohan Rao, learned counsel appearing for Sri Mirza Aijaz Ali Baig, learned counsel for the petitioner, and Sri J.Kanakaiah, learned counsel on caveat for respondent Nos.6 and 7.

Sri E.Madan Mohan Rao, learned counsel, would state that the Writ Petition is being given up against respondent Nos.8 and 9, officials of the revenue department, who were impleaded *eo nomine*. The Writ Petition is accordingly dismissed as against respondent Nos.8 and 9.

The proceedings initiated by the petitioner for mutation of his name in the revenue records in relation to the land in Survey Nos.91/1 and 91/2 of Kataram Village and Mandal, Jayashankar-Bhupalapally District, culminated in the earlier revisionary order dated 04.01.2018 passed by the Joint Collector, Jayashankar-Bhupalapally District. The said order was challenged by the petitioner herein before the erstwhile common High Court for the States of Telangana and Andhra Pradesh in Writ Petition No.5659 of 2018. A learned Judge disposed of the said Writ Petition noting the

submission made on behalf of the petitioner herein that though he had produced a rectification deed in relation to the document of sale, the revisionary authority had not considered it and that the Revenue Divisional Officer concerned had entertained an appeal after six years. The learned Judge also took note of the fact that respondent Nos.6 and 7 herein suffered an adverse decree in O.S.No.322 of 1991 on the file of the learned Junior Civil Judge, Manthani, and that the appeal filed by them was dismissed. The learned Judge specifically noted that these aspects have to be considered by the revisionary authority but he had not done so. On that ground, the revisionary order dated 04.01.2018 was set aside and the revision was remanded to the Joint Collector, Jayashankar-Bhupalapally District, for fresh consideration within a time frame.

It is pursuant to this remand that the Joint Collector passed the present impugned order dated 13.02.2019. However, perusal thereof demonstrates that the Joint Collector completely overlooked the observations made in the order dated 23.10.2018 in Writ Petition No.5659 of 2018. Neither did he refer to the rectification deed relied upon by the petitioner nor did he advert to the civil litigation in O.S.No.322 of 1991 on the file of the learned Junior Civil Judge, Manthani.

It is not open to the Joint Collector to ignore the directions of the High Court when a matter is remanded to him with specific instructions as to what he needs to take into consideration.

On that short ground, the impugned revisionary order dated 13.02.2019 is set aside and the matter is remanded to the Joint Collector, Jayashankar-Bhupalapally District, for reconsideration of the Revision filed by the petitioner in terms of the directions contained in the order dated 23.10.2018 in Writ Petition No.5659 of 2018. This exercise shall be completed expeditiously and in any event, not later than five weeks from the date of receipt of a copy of this order, be it from whatever source. The Joint Collector shall ensure that he abides by the directions contained in the aforesaid order and discharge his quasi-judicial functions accordingly. It is open to both parties to raise any other issue also before the revisionary authority, if they so choose, and the same shall also be considered on merits and in accordance with law.

The Writ Petition is allowed accordingly.

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

JUSTICE SANJAY KUMAR

11th March, 2019
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