

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4655 of 2019

ORDER:

Challenge in this writ petition is to the order dated 08.02.2019 passed by the Joint Collector, Warangal (Urban), in exercise of revisionary power under Section 9 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'). The said revision was filed by the petitioners herein aggrieved by the order dated 03.03.2018 passed by the Revenue Divisional Officer, Warangal Urban, in exercise of appellate power under the Act of 1971.

Heard Sri R.Raghunandan Rao, learned senior counsel appearing for Sri P.Mehar Srinivasa Rao, learned counsel for the petitioners, learned Assistant Government Pleader for Revenue, State of Telangana, appearing for the authorities, Sri A.Prabhakar Rao, learned counsel on caveat appearing for respondents 5 to 7, and Sri M.Venkat Reddy, the 8th respondent, appearing as a party-in-person.

Perusal of the revisionary order under challenge reflects that the Joint Collector, Warangal (Urban), merely set out at length the facts and the past history of the case and thereafter, he concluded that the same parties filed the revision with the same plea to set aside the order of the Revenue Divisional Officer, Warangal Urban, and that this showed that the revision petitioners wished to continue the litigation from forum to forum. He then referred to Section 11 CPC baldly summed up that hearing of the same matter already decided upon by the revisionary authority and hearing the same for a second time would entail no end to the vexatious litigation and the question of evolving a permanent solution would remain a baffling problem. On the strength of this understanding of the law, the

Joint Collector, Warangal (Urban), concluded that the principle of *res judicata* would be clearly attracted and accordingly dismissed the revision.

Sri R.Paghnandan Rao, learned senior counsel, would point out that the earlier revisionary order dated 31.08.2012 was set aside by the erstwhile common High Court for the States of Telangana and Andhra Pradesh in W.P.No.29022 of 2012, *vide* order dated 24.11.2015, resulting in the remand of the matter to the Tahsildar, Kazipet. It is upon this remand that the proceedings started afresh culminating in the present revision before the Joint Collector, Warangal (Urban).

That being so, it is clear that there is no final decision on any issue arising between the parties to the revision which would be binding upon them and would constitute *res judicata*. Sri A.Prabhakar Rao, learned counsel, fairly concedes that there is no such decision.

This Court is therefore left with no option but to set aside the order passed by the revisionary authority and remand the matter to his file for consideration afresh on merits and in accordance with law. It is not open to a statutory authority to avoid deciding a revision which would lie to him, on merits and in accordance with law.

This litigation has been ongoing since a long time and Sri M.Venkat Reddy, the 8th respondent-party-in-person, would request that this Court should fix a time frame for disposal of the revision. The writ petition is allowed setting aside the impugned revisionary order dated 08.02.2019 and remitting the revision to the file of the Joint Collector, Warangal (Urban), for consideration of the same on merits and in accordance with law, after giving due opportunity of hearing to all parties concerned. 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. Needless to state, all the issues raised

in the revision are left open for adjudication and the revisionary authority shall do the needful.

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

JUSTICE SANJAY KUMAR

Date:12.03.2019

GJ

