

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5332 of 2019

ORDER:

The petitioner company seeks to assail the appellate order dated 16.03.2018 passed by the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Bhongir, in exercise of powers under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'). This order would be amenable to revision under Section 9 of the Act of 1971.

Be it noted that the petitioner company was not even a party to the appeal and seeks to claim title through respondent No.4 in the said appeal through a chain of conveyances. It is an admitted fact that by the date of passing of the aforesaid appellate order, the petitioner company did not even get its name mutated in the revenue records.

That being so, the petitioner company cannot find fault with the appellate authority for not putting it on notice prior to the disposal of the appeal. It was for the petitioner company's predecessor-in-title to inform the appellate authority of the change of title or for the petitioner company itself to make enquiries and take appropriate steps to get impleaded in the pending suit. Without doing so, the petitioner company cannot now complain of violation of the principles of natural justice or due procedure as prescribed under the Act of 1971.

Further, this Court would not be inclined to go into the disputed questions of fact that would arise in this case, which would be far better suited for adjudication by the statutory revisionary authority.

Be it viewed from any angle, this Court finds no ground to entertain this writ petition in the light of the efficacious remedy already provided to the petitioner company under the statute.

The writ petition is accordingly dismissed leaving it open to the petitioner company to avail the statutory remedy in accordance with the due procedure.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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JUSTICE SANJAY KUMAR

Date:14.03.2019

GJ

