

HONOURABLE SRI JUSTICE SANJAY KUMAR

W R I T P E T I T I O N No.10828 of 2019

ORDER:

1 The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus declaring the proceeding issued by the 3rd Respondent while proceedings Rc No 1/2127/2018 dated 29.01.2019 is illegal arbitrary and null and void consequently to set aside the same by allowing names of the Petitioners in the revenue records as pattadar and possessors of the land in Sy No 233/B to an extent of 35 acres situated at Enkiryal village Janagaon Mandal and District and pass such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2 The order dated 29.01.2019 passed by the Revenue Divisional Officer, Jangaon Revenue Division, Jangaon District, is presently the subject matter of the revision petition filed by the petitioners under Section 9 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, (for brevity ‘the Act of 1971’), on the file of the District Collector, Jangaon District.

3 Pertinent to note, the petitioners have also filed a suspension petition in the said revision petition seeking suspension of the order dated 29.01.2019 which was subjected to challenge in the said revision.

4 Sri Jalli Kanakaiah, learned counsel for the petitioners, would contend that though the revision petition was filed as long back as on 30.04.2019, the revisionary authority has not taken steps for considering the same and in the meanwhile there is a possibility that the Tahsildar, Jangaon Mandal, Jangaon District, may take steps adverse to the petitioners by relying upon the order dated 29.01.2019 of the Revenue Divisional Officer, Jangaon Revenue Division, Jangaon District.

5 As this Court does not propose to go into the merits of the matter inasmuch as the petitioners have already invoked the revisionary remedy available to them under the statute, it is not necessary to put respondent Nos.7 to 9 on notice or afford them an opportunity of hearing at this stage.

6 It is not open to a quasi-judicial authority to sleep over the case filed before it, thereby rendering the hierarchy of statutory remedies provided to the citizens superfluous. The revisionary authority under the Act of 1971 necessarily has to act with expedition as valuable property rights of the litigants would be involved.

7 In that view of the matter, the Writ Petition is disposed of directing the revisionary authority to forthwith take up the revision petition filed by the petitioners against the order dated 29.01.2019 passed by the Revenue Divisional Officer, Jangaon Revenue Division, Jangoan District, be it for final disposal or for consideration for grant of interim relief. In the event the revisionary authority is not in a position to finally dispose of the revision petition, the interim suspension petition filed by the petitioners in the said revision shall be considered on its own merits and in accordance with law expeditiously and in any event, not later than one week from the date of receipt of a copy of this order, be it from whatever source. Needless to state, as the petitioners have already invoked the revisionary remedy available to them against the order dated 29.01.2019, it would open to the revisionary authority to set at naught any steps already taken pursuant to the said order even before consideration of the suspension petition filed in the revision, in the event the revisionary authority is inclined to grant interim relief to the petitioners.

8 Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 6th June, 2019.
Note: Copy by Monday.
B/o Kvsn