

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 18111 of 2019

Date : 22.8.2019

Between:

M Satyanarayana S/o Late Veeraiah
aged 74 years Occ Retd Engineer
R/o 404 Block 10 RTP Malaysian Township Kukatpally
Hyderabad & others

Petitioner

And

The State of Telangana Rep by its Principal Secretary to
Government Revenue Department Secretariat Buildings
Hyderabad and 5 Others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Revenue.

2. Petitioners are challenging the decision entertaining revision under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and Rules made thereunder, by the Joint Collector, Yadadri Bhongir district filed by unofficial respondents 4 to 6 and assigning file No. 1319 of 2018.

3. According to learned counsel for petitioners mutation proceedings were made in the year 2010 and names of the petitioners are entered into revenue records over land to an extent of Ac.4.20 guntas in Survey No. 42 in favour of first petitioner and Ac.2.20 guntas in Survey Nos. 35 and 42 in favour of second petitioner in Pallerla village, Atmakur mandal, Yadadri Bhongir district, whereas, revision is filed after eight long years and same is not maintainable as there is inordinate delay and the revisional authority ought not to have entertained the revision.

4. Section 9 of the Act, 1971 enables an aggrieved party to prefer a revision. There is no precondition to avail the remedy of appeal and revision can be preferred by the aggrieved party even after period prescribed for availing the remedy of appeal against the order of Tahsildar. In the given facts whether the revisional authority has validly exercised the jurisdiction in directly entertaining the revision or whether it should relegate the party to avail the remedy of appeal before preferring the revision are matters for consideration by the revisional authority. Further, whether revision is filed within reasonable time is again a question of fact and has to be decided by the revisional authority.

It is appropriate to note that Section 9 of the Act, 1971 do not prescribe any time limit for preferring revision. Therefore, revision has to be preferred within a reasonable time and what is reasonable time again depends on given facts of the case.

5. Per se, it cannot be said that aggrieved party is not entitled to file revision or that the revisional authority has erroneously entertained the revision. As noticed above, notices are served on the petitioners and it is open to the petitioners to raise all objections as available to them including the objections raised in this writ petition and they may have a grievance only when revisional authority do not consider the objections raised by petitioners and proceed to decide the revision.

6. Having regard to the submissions of learned counsel for petitioners, it is open to the petitioners to raise all objections including the maintainability of revision; such as that aggrieved person has to avail the remedy of appeal and the inordinate delay etc., and the revisional authority shall consider those objections by affording reasonable opportunity to both parties before proceeding to decide the issue. The revisional authority shall decide the preliminary objections within a period of eight weeks from the date of receipt of counter and objections by petitioners. Counter and objections shall be filed within three weeks from the date of receipt of copy of this order and if he rejects the objection on maintainability of revision, shall decide the revision within eight weeks thereafter.

7. Subject to above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 22-8-2019
TVK

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