

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18340 OF 2019

O R D E R:

This Writ Petition is filed challenging the order dated 27.07.2019 in I.A.No. - of 2019 in Case No. D1/77/2018, dated 27.07.2019 on the file of the Joint Collector at Narayanapet.

The said un-numbered I.A. was filed invoking Section 9 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') by the petitioner challenging the orders of the Revenue Divisional Officer. The Joint Collector, the revisionary authority, refused to stay the proceedings though the petitioner claimed that the proceedings should not be proceeded further on account of pendency of O.S.No. 10 of 2019 before the Junior Civil Judge's Court at Kodangal.

Learned counsel for the petitioner submits that Division Bench of this Court in *Erukala Uma v. Government of Andhra Pradesh*¹, while concurring with the judgment of the learned Single Judge in *V. Goutham Rao v. Revenue Divisional Officer, Jagtial*² had opined that the minute a civil suit is filed, the revenue authorities should stop further inquiry in the proceedings under the Act, and wait for the result of the suit. In those circumstances, the learned counsel for the petitioner prays for allowing the Writ Petition.

This Court is not inclined to accept the argument of the learned counsel. At the outset, the impression which the learned counsel for the petitioner gives is that the Division Bench of this Court, in the order dated 04.06.2013 under reference, had affirmed the law laid down in *V. Goutham Rao's case*, wherein, the proposition was that in case a suit is pending before the Civil Court, the Collector cannot exercise jurisdiction under Section 9 of the Act. The very proposition of

¹ 2014(2) ALD 228 (DB)

² 2003(1) ALD 681

disentitling the Collector from exercising such jurisdiction, merely on account of pendency of a civil Suit, was referred to the Division Bench.

A perusal of paragraph 13 of the order of the Division Bench would disclose that the Division Bench had clarified that the law laid down in *Goutham Rao's case* would be applicable only in such cases where the nature of suit conforms to a suit contemplated under Section 8(2) of the Act. In other words, merely because a suit is pending before a civil Court does not restrain the authorities from exercising revisional jurisdiction under Section 9 of the Act. Further, a perusal of paragraph 15 of the order of the Division Bench would also clarify the judgment in *V. Goutham Rao's case*, to the extent that when a show cause notice is issued by a competent authority, just because a civil suit is pending *ipso facto*, it will not entitle a party to approach the High Court under Article 226 of the Constitution, instead, the party has to file a reply before the competent authority by bringing to its notice all the relevant facts.

One another aspect on which the Writ Petition is liable to be dismissed is that the petitioner had prayed for issuance of certiorari. It is well-settled that writ of certiorari would lie only in cases where there is inherent lack of jurisdiction on the authority or in cases where the order is made in violation of the principles of natural justice (see *State of Uttar Pradesh v. Mohammed Nooh (AIR 1958 SC 86)*).

Here, it is not the case of the petitioner that the 2nd respondent lacks jurisdiction nor was he heard in I.A. It is to be noted that the petitioner is the one, who filed the Revision before the Joint Collector invoking Section 9.

In those circumstances, there is no merit in the Writ Petition and the same is accordingly, dismissed. No costs.

CHALLA KODANDA RAM, J

