

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18443 of 2019

ORDER:

In this writ petition, petitioner challenges order dated 24.07.2019 passed by the second respondent – Revisional Authority and Joint Collector, Warangal (Urban), Warangal District, in exercise of the powers conferred under Section 9 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'), confirming order dated 18.02.2017 passed by the third respondent – Revenue Divisional Officer, Warangal (Urban), Warangal District.

The petitioner asserts that initially, the revenue records came to be mutated with respect to the property in Survey No.101/A, admeasuring Acs.5.02 guntas, situated at Mamnoor Village, Hanamkonda Mandal, in his favour. The same came to be challenged by the fifth respondent, who is his elder brother, by filing an appeal under Section 5-B of the Act before the third respondent, who in turn, after hearing both the parties and considering one of the objections raised by the petitioner with respect to the very maintainability of the appeal, disposed of the appeal vide order dated 18.02.2017 holding that the fourth respondent – Tahsildar, Khila Warangal, Warangal (Urban), did not follow the procedure prescribed while mutating his name in

the revenue records and thereby, ordered for deletion of his name therefrom. The said order was challenged in revision by him before the second respondent. Having considered the submissions made and by noting that there was irregularity in conducting enquiry by the fourth respondent, the second respondent had concurred with the finding of the third respondent and dismissed the revision vide order dated 24.07.2019.

A reading of the orders of the second and third respondents discloses that both the parties claim their right with respect to the ancestral property based on the partition deeds, one being produced by the petitioner and the other by the fifth respondent. Further, both the authorities on examination of the record and after considering the contentions of the respective parties held that the enquiry conducted by the fourth respondent was not in accordance with the procedure prescribed. It is evident that there is also a suit filed by the fifth respondent seeking partition of the property pending. Learned counsel for the petitioner submits that one of the sisters is also claiming a share in the subject property. In the circumstances, there cannot be any writ of Mandamus issued in the present case with respect to order of either of the authorities, as it is not anyone's contention that either the third respondent or the second respondent lacks inherent jurisdiction

for entertaining the appeal or revision respectively. Therefore, this Court does not see any reason to entertain the writ petition.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed. There shall be no order as to costs.

28th AUGUST, 2019.

CHALLA KODANDA RAM, J

kvni

