

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20398 OF 2019

O R D E R:

Petitioner prays to call for records pertaining to order dated 30.06.2019 on the file of the Joint Collector - 11th respondent in Revision Case No. D1/09/2017.

The case of the petitioner is that their revision came to be dismissed without considering the fact that Respondents 1 to 10 played fraud, fabricated the registered sale deeds and got transferred the property in their favour. It is his grievance that the entire mutation proceedings were carried on in favour of Respondents 1 to 10 based on such fabricated documents, hence, he finds fault with the dismissal order passed by the Tahsildar and likewise, the impugned order passed by the Joint Collector as he did not appreciate the facts and legal position. In those circumstances, the petitioner prays for a writ of certiorari.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue submits that the writ of certiorari is not maintainable as the petitioner himself has moved the Joint Collector invoking Section 9 of the Rights in Land and Pattadar Passbooks Act, 1971, hence, it is not open for him to contend that the Joint Collector is not authorised to deal with the matter. It is not at all the case of the petitioner that the Joint Collector / Collector lacks jurisdiction to entertain the Revision, contends the learned Government Pleader. On merits of the matter, he submits that the revenue entries made in favour of Respondents 1 to 10, admittedly, are based on registered sale deeds of 1974, 1979 and 1981 i.e. much before the Application made by the petitioner. If any grievance exists with regard to the

same, the petitioner has to approach the civil Court instead of approaching the Tahsildar, emphasises the learned Government Pleader. According to him, as the revenue authorities are not capable of deciding the title, the order of the Joint Collector does not call for any interference.

Having regard to the respective submissions, this Court is in full agreement with the submission made by the learned Assistant Government Pleader for Revenue. If at all the petitioner is aggrieved with the execution of sale deeds / mutation of revenue entries in favour of Respondent 1 to 10, the remedy for him is to invoke the jurisdiction of a civil Court and seek declaration of sale documents as null and void. As long as the right, title vests with Respondents 1 to 10, they are entitled to be recorded as the pattadars in the revenue records and the said right cannot be nullified in a proceedings under the 1971 Act.

The Writ Petition is therefore, closed leaving it open to the petitioner to work out the remedies as per law. No costs.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

20th September 2019

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