

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2266 OF 2019

ORDER:

This revision, under Section 91 of the Telangana Tenancy and Agricultural Lands Act, 1950, is filed by the petitioner/respondent No.12 aggrieved by the order dated 22.08.2019 passed in proceedings No.D1/2321/2014 (RR)-D1/2307/2016(VKB) by the Joint Collector, Vikarabad District, wherein the Joint Collector while setting aside the order, dated 20.02.2014 passed in Appeal Case No.C/3542/2013 by the Sub-Collector, Vikarabad Division, Ranga Reddy District, remanded the matter to Tahsildar, Vikarabad Mandal to take necessary action and incorporate the entries prior to the order passed by the Sub-Collector and pass appropriate orders.

2. Heard learned counsel for the revision petitioner/respondent No.12, learned counsel for respondent Nos.1 and 2 and perused the record.

3. Learned counsel for the revision petitioner/respondent No.12 would contend that the order of the Joint Collector is against the material on record. There is no sale under unregistered sale deed to substantiate the sale transaction made in the year 1957 from P.Konda Reddy and three others in favour of respondent No.1 herein and so also, the unregistered sale deed dated 02.10.1988 executed in favour of respondent No.2 by respondent Nos.3 to 7 herein. The revision petitioner is in possession of the subject lands. The Tahsildar did not conduct any enquiry and passed the order dated 06.03.2013, which is

erroneous. The Sub-Collector, Vikarabad, is justified in passing the order dated 20.02.2014 in Appeal Case No.C/3542/2013, by assigning reasons. The Joint Collector, Vikarabad ought not have set aside the order dated 20.02.2014 passed by the Sub-Collector. The mutation proceedings dated 16.06.1998 issued by the Tahsildar in File No.F/79/1998 are erroneous and ultimately, prayed to set aside the impugned order and restore the order dated 20.02.2014 passed by the Sub-Collector, Vikarabad in proceedings No.C/3542/2013 by allowing the Civil Revision Petition as prayed for.

4. On the other hand, learned counsel for respondent Nos.1 and 2 contended that respondent Nos.1 and 2 are the absolute owners of lands admeasuring Acs.2.00 guntas and Acs.4.22 guntas in Sy.No.5 situated at Rallachittampally Village, Dharur Mandal, having purchased the same through unregistered sale deeds of the years 1957 and 1988 from P.Konda Reddy and three others, and respondent Nos.3 to 7 respectively, and since then, they are in possession and enjoyment of the same. It is also contended that the Tahsildar concerned issued pattadar passbooks and title deeds in favour of respondent Nos.1 and 2 in respect of the subject lands. When the matter was remanded, the Tahsildar conducted due enquiry and passed order dated 06.03.2013. The Sub-Collector without conducting any enquiry and without assigning sustainable reasons passed the order dated 20.02.2014 in proceedings No.C/3542/2013. The Joint Collector has examined the whole issue and passed the impugned order, which is sustainable. There is no infirmity in

the impugned order and ultimately prayed to dismiss the revision petition.

5. In view of the submissions made by both sides, the point that arises for determination is:

“Whether the impugned order dated 22.08.2019 passed by the Joint Collector, Vikarabad District, is liable to be set aside?”

6. POINT:- There is no dispute that the lands to an extent of Ac.0.02 guntas of respondent No.1 out of Acs.2.00 guntas, and Ac.0.03 guntas of respondent No.2 out of Acs.4.22 guntas, were acquired by the Government and the Land Acquisition Officer paid compensation to respondent Nos.1 and 2 *vide* proceedings No.B/960/2002, dated 28.02.2003. Further, respondent Nos.1 and 2 obtained injunction orders from the Junior Civil Judge, Vikarabad in O.S.Nos.135 of 2005 and 34 of 1998 respectively, against the revision petitioner and others.

7. The Tahsildar concerned issued pattadar passbooks and title deeds in favour of respondent Nos.1 and 2. Pursuant to the order dated 15.12.2012 passed by the Sub-Collector, the Tahsildar, Dharur, conducted enquiry and passed order in proceedings No.B/19/2003, dated 06.03.2013 in favour of respondent Nos.1 and 2. A perusal of the order dated 20.02.2014 passed by the Sub-Collector, Vikarabad Division, Ranga Reddy District, do not reflect reasons for varying the order challenged therein. Furthermore, the order is contrary to the documents available on record. Further, there is also regularization of alleged unregistered sale deeds as per Sections

13-B and 13-C of ROR Act. Pursuant to the same, the names of respondent Nos.1 and 2 were recorded in the revenue records. The Joint Collector had pointed out that in the order dated 20.02.2014, the Sub-Collector did not mention anywhere as to participation of the parties and their counsel. The revision petitioner started litigation as to the alleged sale and issuance of pattadar passbooks etc., after a long time. Furthermore, there is record to show the possession of respondent Nos.1 and 2 over the subject lands. The learned Joint Collector is justified in passing the impugned order. There is nothing to take a different view. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

8. In the result, the Civil Revision Petition is dismissed. However, it is open to the revision petitioner to agitate his right in a competent Civil Court.

The Miscellaneous Petitions, if any pending, shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 18.12.2019
ssp