

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.23076 OF 2019

Date: 06.11.2019

Between:

Gajula Pullaiah S/o.Buchi Rajam,
Aged about 44 yrs, Occu : Agriculture,
R/o.H.No.1-117/A,
Dammannapet Village, Medipally Mandal,
the then Karimnagar District and now
Jagityal District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents.

2. Petitioner claims that he is the owner and in possession of land admeasuring Acs.2-09 guntas in Sy.No.272/A/3, of Kalvakota Village, Medipally Mandal, Jagityal District. He was issued pattadar pass book bearing Pass Book No.T18130090837 and assigned Katha No.60054. Petitioner alleges that the name of 5th respondent was recorded in the revenue records in the year 2007-08. Having come to know such illegal mutation, he made an application to the Joint Collector- 2nd respondent in Prajavani, who inturn, had taken it as suo moto Revision and issued notices to petitioner and 5th respondent. On going through the record, the 2nd respondent passed orders on 03.11.2018 holding that entries made in favour of 5th respondent as null and void and directed the Tahsildar to cancel the illegal entries. In compliance of the same, the Tahsildar, deleted the name of 5th respondent and restored the name of petitioner. While that being so, the Tahsildar-4th respondent summoned the petitioner to her office and tried to delete the name of petitioner. Aggrieved thereby, petitioner filed this writ petition seeking direction against the action of respondents in trying to delete the name of petitioner in respect of land mentioned above and including the name of 5th respondent in revenue records.

3. On 28.10.2019 the District Collector issued notice in purported exercise of power under Section 166-B of the Telangana Land Revenue Act, 1317 Fasli (for short 'the Act'). Petitioner now filed I.A.No.02 of 2019 praying to stay all further proceedings pursuant to the notice dated 28.10.2019.

4. Learned counsel for the petitioner sought to contend that the said notice is not maintainable. As per the distribution of work notified by the Government, the matters concerning revenue grievances have to be decided by the Joint Collector and District Collector is not vested with the power to decide the issue. Therefore, the notice dated 28.10.2019 is ex-facie illegal. He would submit that District Collector has pre-determined the issue and therefore he may not consider the objections that petitioner may raise. When Collector erroneously entertained the representation made before him as a Revision against the decision of Joint Collector, the same is again illegal. Therefore, the notice is not validly issued and is liable to be set aside and petitioner need not be compelled to appear before the District Collector.

5. However, the notice dated 28.10.2019 is not under challenge in this writ petition. Be that as it may, Section 166-B of the Act vests power in the District Collector to undertake Revision on the decision made by the lower authority. The Joint Collector is the authority below the rank of District Collector and works under the over all supervision of the District Collector. Further the decision made against which revision is entertained, is by the Joint Collector. Therefore, it can not be said that Joint Collector should undertake Revision. No Revision can be

entertained by the same authority who has passed an order. The instructions issued in distributing the work to be undertaken by various authorities have to be understood in the normal context. In the present case, the decision against which present notice is issued is by the Joint Collector. When Section 166-B of the Act, vests power in the District Collector to entertain Revision, it can not be said that the notice is issued without competence and jurisdiction warranting interference at this stage.

6. Having regard to the above, the Writ Petition is disposed of, granting liberty to the petitioner to raise all objections as available in law, including the objections raised in this writ petition. Pending miscellaneous petitions, if any, shall stand closed.

6th November, 2019
Rds

P.NAVEEN RAO, J