THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 23991 of 2019

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for Respondents 1 to 4.

2. Initially, petitioner filed petition before the 2nd respondent-Revenue Divisional Officer praying to restore previous entries in the revenue records in respect of land to an extent of Ac.1-32 guntas from out of total extent of Ac.5-16 guntas in Sy.No.378 of Vattinagulapally village, Gandipet mandal, Ranga Reddy district. The said request of the petitioner was rejected vide Memo dated 3.1.2019 stating that since the name of petitioner was never recorded as pattadar and possessor in the pahani, therefore, correction of revenue record does not come under the jurisdiction of Revenue Divisional Officer. Thereafter, petitioner preferred revision before the 2nd respondent-Joint Collector, seeking correction of entries in the revenue records from 1987-88 to till date in respect of subject property. The said revision is dismissed by the 2nd respondent-Joint Collector by order dated 14.9.2019 on the ground that there is an inordinate delay in filing the revision. The Joint Collector noted that the revision is filed after lapse of more than (30) years after entries made in pahanies without any substantial grounds and without any reasons under Section 9 of ROR Act and therefore revision is barred by limitation. The said order of the Joint Collector is challenged in this writ petition.

3. From the material available on record, it is seen that even according to the petitioner, the joint family property was partitioned by way of Partition Deed dated 31.5.1965 and separate

share is allocated to her father by name Shyamlal Prasad Dubey, however, the name of Rameshwar Dubey continued to be reflected in the revenue records even after partition as he is elder in the family.

4. According to petitioner, her father Shyamlal Prasad Dubey died in the year 1994 and petitioner succeeded to the property held by her father. Except contending vaguely that petitioner was not aware of the entries made in the revenue records, there is no averment as to how the petitioner came to know recently and why she kept quite all along after the demise of her father in the year 1994. Even according to the prayer in the revision, petitioner sought rectification of records from 1987-88 i.e. 30 years prior to filing of revision. Though Section 9 of Telangana State Rights in Land and Pattadar Passbooks Act, 1971 does not prescribe limitation period, 30 years delay cannot be said to be reasonable one. No such revision can be entertained which is filed after long lapse of 30 years. I do not see any error in the order passed by the Joint Collector, warranting interference of this Court under Article 226 of the Constitution of India. Thus, granting liberty to the petitioner to work out her remedies before appropriate forum, if so advised, with reference to her claim of share in the joint family property fallen to the share of her father, this writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 26.11.2019
DA