THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 24071 of 2019

<u>ORDER</u> :

Heard learned counsel for petitioner and learned Government Pleader for Revenue and perused the record.

2. Petitioner claims to be owner of land to an extent of Ac.2-34 guntas in Sy.Nos.389, 390, 391, 394 and 395 situated at Khalsa Ibrahimpatnam village and mandal, Ranga Reddy district having purchased the same from Respondents 11 and 12 by way of registered sale deed bearing Document No.17956/16 dated 19.7.2016. According to petitioner, respondents 11 and 12 purchased the said extent of land from the legal heirs of original owners i.e. respondents 8 to 10 under registered sale deed dated 16.4.2012 out of total extent of Ac.6.03 guntas. Based on the registered sale deed executed in favour of petitioner, his name was recorded as pattadar in the revenue records.

3. The material on record would disclose that 4th respondent-Tahsildar vide order dated 15.7.1996 mutated the name of 5th respondent herein in the revenue records in respect of above extent of land. Challenging the said mutation proceedings, 6th respondent herein filed appeal before the Revenue Divisional Officer and the said appeal was allowed by the Revenue Divisional Officer on 13.8.2010 by setting aside the order of the Mandal Revenue Officer. Aggrieved thereby, 5th respondent herein preferred revision before the Joint Collector and the Joint Collector by order dated 14.9.2019 allowed the revision setting aside the order passed by the Revenue Divisional Officer on 13.8.2010. A perusal of the order passed by the Revenue

Divisional Officer shows that the said order is a cryptic order and the Revenue Divisional Officer has not assigned any reason in support of his decision and he has not remanded the matter for any procedural lapses noticed by him. This fact was considered by the revisional authority and held that the appeal was preferred after 14 years and such appeal was not maintainable and that the order passed by the Revenue Divisional Officer was a cryptic order.

4. Having regard to the fact that corrections were made in the year 1996, this Court enquired from petitioner's counsel as to when petitioner came to know about the said entries. Learned counsel for petitioner reported that as soon as petitioner came to know, he filed the appeal before the Revenue Divisional Officer. It is also appropriate to note that 5th respondent herein in whose favour Tahsildar passed orders is the sister of 6th respondent's husband. Therefore, it cannot be said that petitioner is not aware of proceedings taken in respect of subject land by the Tahsildar in the year 1996 and all along said persons name is reflected in the revenue record. As can be seen from the averments made in the affidavit filed in support of the writ petition that two sale transactions took place, one in the year 2012 and another in the year 2016 i.e. based on the orders of Revenue Divisional Officer dated 13.8.2010, the said two sale transactions taken place. Petitioner has stepped into the shoe of the original pattadar and prosecuting the litigation.

5. As there is inordinate delay as noticed by revisional authority in filing appeal and no supporting material is placed on record to show that petitioner was not aware of changes affected in revenue records for such a long time. I do not see any error in the decision arrived at by revisional authority in setting aside the order passed by

the Revenue Divisional Officer and further more the order of Revenue Divisional Officer is also not maintainable as it is only a cryptic order.

6. For the foregoing reasons, the writ petition is liable to be dismissed and is accordingly dismissed. It is always open to the petitioner to work out his remedies as available to him under law. As a sequel, the miscellaneous applications, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 12.11.2019
DA