

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24585 of 2019

Date : 8.11.2019

Between:

Saibanna S/o Chandrappa Aged about 70 years Occ Agriculture
R/o Kachwar Village Makthal Mandal Narayanpet District
Petitioner

And

The State of Telangana And 2 Others
Rep by its Principal Secretary Revenue Department Secretariat
Hyderabad
Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue and with their consent the writ petition is taken up for disposal at the stage of admission itself.

2. According to petitioner, Galenna S/o Peddanna was pattadar of land to an extent of Ac.7.06 in Survey No. 9/AA, Kachwal village, Makthal mandal. Petitioner claims to have purchased the said property by way of unregistered sale deed dated 12.4.1974 and came into possession. In the revenue records, name of the petitioner was shown as against possessor column while continuing the name of Galenna against the pattadar column. Petitioner alleges that though 4th respondent claimed to have purchased the very same property by way of registered sale deed dated 11.12.1974 his name was not mutated and name of Galenna was continued to be shown as pattadar and name of petitioner was shown as possessor. According to petitioner, 4th respondent applied for mutation of his name in the revenue records by relying on the registered sale deed and accordingly, 3rd respondent -Tahsildar entered name of 4th respondent in the pattadar column while continuing name of the petitioner in possessor column. But later name of 4th respondent is also shown against possessor column.

3. Alleging that 4th respondent was denied the title and possession of the petitioner, petitioner instituted O.S.No. 80 of 2015 pending on the file of the Court of Junior Civil Judge, Narayanapet seeking declaration and consequential injunction. However, the trial Court declined to grant the relief of declaration on the ground that petitioner claimed to have purchased the property by way of unregistered sale deed. Aggrieved by the same, petitioner stated to have filed appeal suit and the same is pending consideration before the first appellate Court.

4. That being so, petitioner now alleges that 4th respondent came in tractor along with his men and disturbed the existing cotton crop and

complaining the same, he filed application before the District Collector on 2.7.2019 requesting the District Collector to do justice to him. Responding to the same and taking it as suo-motto revision under the Telangana Rights in Land and Pattadar Passbooks Act, 1971, notice was issued by Joint Collector on 4.7.2019. Alleging no action thereafter this writ petition is filed.

5. The grievance of the petitioner as evident from the averments made in the writ affidavit is that behind the back of petitioner, name of 4th respondent was mutated in the revenue records against pattadar column and later his name was also shown as possessor, whereas petitioner claims to be in continuous possession. That being so, petitioner has remedy of appeal before the Revenue Divisional Officer or he can prefer a revision under Section 9 of the Act. Petitioner has not preferred revision against the decision of the Tahsildar but has filed an application in the nature of complaint against 4th respondent interfering and disturbing existing cotton crop grown by him. Though, suo moto revision power is available against the decision of the Tahsildar or Revenue Divisional Officer under Act, 1971, whereas, claimed to be a suo moto revision now registered by Joint Collector is on the complaint made by the petitioner, which is entirely different and is not a matter arising under the Act, 1971. Having regard to the same, the prayer sought in the writ petition, cannot be granted. The writ petition is liable to be dismissed. However, dismissal of this writ petition does not come in the way of petitioner availing the remedy as available under Act, 1971 and prosecuting the pending appeal suit stated to have been filed against the judgment and decree in O.S.No. 80 of 2015. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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