

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24571 of 2019

Date : 08.11.2019

Between:

Bandari Bazaru S/o Late Ramaiah Aged about 66 years Occ
Agriculture R/o Cheepununthala Village of Thalikondapally
Mandal Ranga Reddy District Formerly Mahaboobnagar
District

Petitioner

And

The State of Telangana
Represented by its Principal Secretary Revenue Department
Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader and Sri N Venkataiah, learned counsel appearing for 5th respondent.

2. Learned counsel for petitioner submits that petitioner is not pressing this writ petition against 6th respondent. In view thereof, writ petition is dismissed in so far as 6th respondent is concerned.

3. This writ petition is filed challenging the order of the Joint Collector in Case No. D5/4917/2017 dated 5.10.2019. Petitioner also preferred revision under Section 9 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 challenging the decision of the Revenue Divisional Officer dated 9.10.2017. The said revision was rejected on the ground that petitioner earlier filed WP No. 37523 of 2017 and Court granted stay of further proceedings pending disposal of the revision and in view thereof, the revision is not maintainable. Though, there is a vague reference to pendency of civil case, the obvious reference is with reference to WP No. 37523 of 2017.

4. The writ petition was filed aggrieved by non consideration of application to grant interim order against the orders of Revenue Divisional Officer, and this Court granted interim stay of further proceedings of the order of Revenue Divisional Officer dated 9.10.2017, pending disposal of the revision. In other words, there was no embargo imposed by this Court while disposing the revision on merits. Without appreciating this aspect, the Revenue Divisional Officer mechanically rejected the revision only on the ground that writ petition is pending.

5. Learned counsel for 5th respondent contends that petitioner filed O.S No. 131 of 2008 in the Court of Junior Civil Judge, Kalvakurthi

for declaration of title and injunction in relation to land to an extent of Ac.4.07 guntas in Survey No. 254, Talakondapalli village. The suit was dismissed for non prosecution on 2.12.2019. It appears, petitioner filed I A No. 194 of 2017 and I A No. 193 of 2017 to condone the delay and for restoration of the suit and said applications are pending. He therefore submits that since application for condonation of delay and restoration of suit are pending, petitioner ought to have prosecuted said applications and when civil litigation is pending, revenue authorities have no jurisdiction to decide the issue.

6. As this Court found merit in the contention that order of the Joint Collector is a non-speaking order and reason assigned for rejection of revision is not valid, Court is not inclined to enter into the other aspects agitated in the writ petition and contended by the learned counsel for petitioner. The impugned order is set aside and matter is remanded to Joint Collector for consideration of the revision afresh after affording due opportunity to both the parties. Since, the issue is pending for long time, Joint Collector is directed to dispose of the revision expeditiously, preferably within a period of six weeks from the date of receipt of copy of this order by putting on notice both parties and on hearing them and assigning appropriate reasons.

7. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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