

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24754 OF 2019

Date: 12.11.2019

Between:

Mohd. Shamsheer Ahmed, S/o.Mohd. Yousuf,
Aged about 54 yrs, Occu Business,
R/o.12-399, Near Masjid, Islampura,
Mancherial, Adilabad 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 1 to 5.

2. Petitioner claims to be the owner and in possession of Ac.5-04 guntas in Sy.No.279/AA of Mancherial town, having purchased the same from Yeswanth Singh Solanki, for valuable sale consideration. A decree was passed in his favour in O.S.No.479 of 1990 by the Learned District Munsif declaring his right. Mutation order was passed in his favour in respect of Sy.No.279/29 recording his name as pattadar by assigning sub-division numbers in respect of Sy.No.279.

3. It appears, against mutation of name of petitioner and issuance of pattadar pass books and title deeds, some of the legal heirs of vendor of petitioner, filed appeal before the Revenue Divisional Officer (RDO). The RDO by his order, dated 12.07.2018, disposed of the appeal in favour of respondents 13 to 16 therein, and against appellants and respondents 1 to 12 canceling the proceedings of Tahsildar, Mancherial, who ordered incorporation of names of Md.Shamsheer and Yashwanth made in the year 1978-79 and in the year 1991-92, basing on the decree in O.S.No.548 of 1977. The Tahsildar was directed to make corrections and entries in Sy.No.279/AA admeasuring Ac.5-04 guntas vide Khata No.405.

4. According to learned counsel for the petitioner, in pursuance thereof, the name of petitioner was deleted from the revenue records and the names of respondents 6 to 9 are

entered. Aggrieved by the order of RDO, petitioner preferred Revision under Section 9 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971'). The Revisional authority assigned the number as Case No.32/1682/2018-3. Petitioner now alleges that pending Revision, respondents 6 to 9 sold the property in favour of 10th respondent and respondents 11 to 16, by two separate sale deeds which were registered by the registering authority. Petitioner now alleges that the 10th respondent has now entered into agreement with others and trying to register the document. In view there of, a representation was made by the petitioner on 16.10.2019 bringing to the notice of registering authority about pendency of Revision and not to entertain the deeds of conveyance until the revision is decided.

5. Learned counsel for the petitioner submits that petitioner was informed by the Sub-Registrar-4th respondent that unless an order is passed by the competent Court, registrations cannot be stopped.

6. Admittedly, the order of RDO is in favour of respondents 6 to 9 and in terms thereof revenue records are altered reflecting their names and they in turn sold the property to 10th respondent. There is no impediment imposed either by the Court or by the Revisional Authority on them.

7. Learned counsel for the petitioner sought to contend that though application is filed to grant stay of operation of orders of RDO, so far no orders are passed and if registration is continued on the said property, transferring the property from one person to another, it would be causing great difficulty to the petitioner

to enforce, even if order is passed by the Revisional authority. However, the fact remains that there is no impediment in the order of the RDO and it was already given effect to. The registering authority cannot be directed not to entertain any deed of conveyance presented before him by two parties to the document, merely on the ground that revision is pending before Revisional authority. Therefore, I do not see any error in the decision communicated to the petitioner by the registering authority and no mandamus as sought for can be issued.

8. Thus, leaving it open to the petitioner to work out his remedies as available in law, in the pending Revision or in any other independent proceedings, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

12th November, 2019
Rds