

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26020 OF 2019

Date: 28.11.2019

Between:

Bommathi Ashok S/o.Late Venkatanarsu,
Age 59 yrs, Occu : Guest Lecturer,
R/o.H.No.5-3-15, Kothur, Hanamkonda,
Warangal Urban Dist. & another.

.....Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, BRR Buildings,
Tank Bund, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioners claim that their predecessor was granted Occupancy Right Certificate (ORC) on 28.12.2002, on lands in Sy.Nos.87, 11 and 196 of Lashkarsingaram Village, Hanamkonda Mandal, Warangal District. Petitioners and respondents 5 to 7 are all family members.

3. According to learned counsel for the petitioners, there was partition in the petitioners family and the first petitioner was entitled to the share of land to an extent of Ac.1-16 guntas in Sy.No.87 and second petitioner was entitled to an extent of Ac.0-28 ½ guntas, whereas respondents 5 to 7 were given Ac.2-10 guntas in Sy.Nos.11 and 196. However, respondents 5 to 7 have sold land in Sy.No.87 and the same is illegal.

4. Since illegally respondents 5 to 7 have sold the land, petitioners made complaint to the District Collector on 13.08.2019, requesting him to look into the grievance against alleged illegal alienation and to do justice to them.

5. In response to the said application filed before the District Collector, the District Collector by his letter dated 28.08.2019, directed the Tahsildar, Hanamkonda to go through the contents of application and furnish factual report by 05.09.2019 without fail. Since no report was filed, on 21.10.2019 a Memo was issued by the District Collector stating that so far the enquiry

report is not received from the Tahsildar. Alleging inaction on the application made by the petitioners, this writ petition is filed.

6. From a reading of the representation submitted to the District Collector, contents of the affidavit filed in support of the writ petition and prayer sought in the writ petition, the petitioners are asking the District Collector to undertake enquiry which is nothing but adjudication of *inter se* disputes between private parties, by assuming the role of civil Court.

7. The revenue authorities including the District Collector is not competent to go into the *inter se* disputes between two private parties and adjudicate the same. Since there is no power vested in the District Collector, no direction as sought for by the petitioners can be granted. The exercise undertaken by the District Collector is ex-facie illegal.

8. Thus, the Writ Petition is dismissed, leaving it open to the petitioners to work out their remedies as available in law, on the alleged sale transactions undertaken by respondents 5 to 7. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

28th November, 2019
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