HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25197 of 2019

Date : 18.11.2019

Between:

Petitioner

And

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25197 of 2019

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. In this writ petition, petitioner alleges that Revenue Divisional Officer-3rd respondent before whom ROR Appeal No. D/1166/2019 filed by 4th respondent is pending, is going to pass orders adverse to petitioner without appreciating the contentions urged by him, more particularly the contention that 4th respondent is of unsound mind and that his signatures were forged with an intention to grab the land. It is also alleged that at the instance of 5th respondent fictitious appeal was filed.

3. Learned counsel for petitioner submitted that 4th respondent filed O.S.No.18 of 2018 on the file of the VIII Additional District Judge, Miryalaguda for declaration and to grant perpetual injunction and the Trial Court on 22.3.2019 in I A No. 153 of 2019 granted injunction restraining the defendant therein/petitioner herein from alienating the suit property or creating any third party interests and in view thereof, appeal ought not to have been entertained.

4. It appears, in the appeal, the appellant did not disclose filing of the suit and that he is simultaneously prosecuting both the remedies. Two aspects have to be noticed here, firstly the Revenue Divisional Officer is competent to entertain the appeal filed under Section 5 (5) of the Telangana Record of Rights and Land and Pattedar Pass Books Act, 1971 against mutation proceedings, however, normally, if they are informed about the pendency of civil litigation between the parties, the Revenue Authorities, do not undertake such exercise. Petitioner has placed on record the civil litigation pending before the parties and also pleaded before the Revenue Divisional Officer that 4th

respondent is of unsound mind and 5th respondent forged his signatures, therefore, 4th respondent should be called and be examined in presence of petitioner to ascertain his health condition before proceeding further. Petitioner now apprehends that the Revenue Divisional Officer is in the process of passing final orders and in such an event, it would cause grave prejudice to him.

5. As noticed above, Revenue Divisional Officer is competent to entertain the appeal and since petitioner has raised two objections as stated above, it cannot be said that Revenue Divisional Officer would not appreciate said objections and straightaway pass orders for this Court to entertain the writ petition and mandate the Revenue Divisional Officer to pass order in a particular manner, as contended by petitioner herein. Thus, grievance agitated in the writ petition is premature and same cannot be accepted at this stage. Thus, Court is not inclined to entertain the writ petition against the matter pending before the quasi judicial authority even before such authority takes a decision. Orders passed by quasi judicial authorities can be challenged under Article 226 of the Constitution of India within the parameters set out in the precedents on the scope of such interference and only after a decision is made, the Court will venture to look into the validity of such order but not before order is passed. Further, Court cannot mandate the authority to pass order in a particular manner or not to pass order in a particular manner. Therefore, writ petition is dismissed, leaving it open to the petitioner to work out remedies as and when cause of action arises. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 18-11-2019
TVK

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