

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 27388 of 2019

ORDER :

Heard the learned counsel for petitioner and learned Government Pleader for Revenue appearing for Respondents 1 to 4 and perused the record.

2. The subject matter of dispute in this writ petition is between petitioner and 5th respondent in respect of land to an extent of Ac. 5-23 gutnas in Survey No.267 of Ananthapalli village, Boinipelli mandal, Rajanna Sircilla district. On one hand, petitioner claims that she purchased the said property under unregistered sale deed, which was subsequently validated and 13B and 13C Certificates were issued and pattadar passbook and digital passbook vide Katha No.390 were also issued in her favour. On the other hand, 5th respondent claims that in the oral partition of the family, this piece of property fallen to his share and initially his name was mutated in the revenue records and subsequently his father name was recorded in the possession column and later his father name was deleted. Having come to know about deletion of his father's name from the revenue record, 5th respondent preferred appeal before the Revenue Divisional Officer and the Revenue Divisional Officer allowed the appeal, setting aside the ROR Proceedings No.B/ROR/514/2008 and directed the Tahsildar, Boinipally to restore the patta existing prior to mutation and rectify the wrong entries in pahanies in Sy.No.267 to an extent of Ac.5-23 guntas. Being aggrieved thereby, petitioner preferred revision before the Joint Collector and the Joint Collector vide impugned order dated 27.11.2019 affirmed the decision of the

Revenue Divisional Officer, however, he suggested the parties to work out civil law remedies in view of pending litigation.

3. In view of the fact that the learned counsel for petitioner as well as learned counsel for Respondent No.5 agreed for remanding the matter to the Tahsildar to redo the exercise, the matter is remitted to the 4th respondent-Tahsildar for consideration of the issue afresh. The petitioner shall place before the Tahsildar all the records in support of her claim of succeeding to the property by way of unregistered sale deed and subsequently got validated. It is also open to the petitioner to bring on record the original vendor. The 5th respondent who claims to have succeeded over the very same property shall also place on record the documents in support of his claim of succeeding to the property in the oral partition said to have taken place. The parties shall file their respective pleadings/ documents within a period of three weeks from today. Upon receiving the same, the Tahsildar shall consider the respective submissions of the parties and if the original vendor of the petitioner is made as party, by affording due opportunity, shall decide the issue as expeditiously as possible, preferably within a period of five weeks thereafter. However, the parties are directed to maintain Status quo as on today with regard to subject property and it is also made clear that no third party interest shall be created till the decision is made by the Tahsildar.

4. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 17.12.2019
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