

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.30395 OF 2018

ORDER

The grievance of the petitioner company is with regard to the failure of the Deputy Collector & Tahsildar, Serilingampally Mandal, Ranga Reddy District, in acting upon its representation dated 27.02.2017. By the said representation, the petitioner sought rectification of the revenue records in relation to the land admeasuring Ac.51.15 guntas situated in Survey No.44(part) of Makthamahaboobpet Village, Serilingampally Mandal, Ranga Reddy District.

It is an admitted fact that the Joint Collector-II, Ranga Reddy District, exercised power under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (*for brevity*, 'the Act of 1317 Fasli'), for rectifying the entries in the revenue records in relation to the lands in various survey numbers of Makthamahaboobpet Village, Serilingampally Mandal. Survey No.44 was one amongst these survey numbers. By the said order dated 07.11.2006, the Joint Collector ultimately held that all the lands in question were Government lands and directed the Mandal Revenue Officer, Serilingampally Mandal, to take necessary action to correct the revenue records by deleting the names of private persons from the pahanies and to depict the lands in question as Government lands. Aggrieved by this order, the predecessors-in-title of the petitioner company filed appeals before the Commissioner (Appeals), Office of the Chief Commissioner, Land Administration, Andhra Pradesh. The appeals were allowed by order dated 30.05.2007 setting aside the order under appeal and remanding the matter back to the Joint Collector

for a detailed enquiry. Upon such remand, the Joint Collector-I, Ranga Reddy District, passed order dated 19.01.2013 holding that he had no jurisdiction to cancel the supplementary sethwar issued in the year 1969 and cancel the entries made in the revenue records by invoking power under Section 166-B of the Act of 1317 Fasli. He further directed the Deputy Collector & Tahsildar, Serilingampally Mandal, Ranga Reddy District, to examine the records in respect of the subject lands and if he found any fabricated material produced relating to fraud for issuance of supplementary sethwar and for obtaining correction of revenue records, he was directed to file a comprehensive civil suit for declaration of title and for recovery of possession. Aggrieved by this order, the Deputy Collector & Tahsildar, Serilingampally Mandal, Ranga Reddy District, preferred an appeal before the Commissioner (Appeals), Office of the Chief Commissioner, Land Administration, Andhra Pradesh. The predecessors-in-title of the petitioner company raised an objection as to the maintainability of this appeal. The Appellate Authority however held against them by order dated 29.05.2014 and entertained the appeal. Aggrieved by this finding, the petitioner company, having come into the picture, preferred W.P.No.23574 of 2014 before the Common High Court for the State of Telangana and the State of Andhra Pradesh. The said writ petition was allowed by a learned Judge of the Common High Court *vide* order dated 17.01.2017. The learned Judge held that the appeal preferred by the Deputy Collector & Tahsildar, Serilingampally Mandal, Ranga Reddy District, was not maintainable in the light of Section 158(1) of the Act of 1317 Fasli. Aggrieved by this order, the State of Telangana is stated to have filed W.A.No.1499 of 2018, but with some delay in its

representation. This Court is informed that the appeal is still pending at the stage of condonation of this delay.

In the light of the aforestated factual background, the request of the petitioner company under its representation dated 27.02.2017 with regard to restoration of the entries which found place in the revenue records prior to the exercise of jurisdiction by the Joint Collector under Section 166-B of the Act of 1317 Fasli, *vide* order dated 07.11.2006, merits consideration. Once the said order is no longer in existence, it is not open to the revenue authorities to continue to maintain the entries in the revenue records on the strength thereof.

The writ petition is accordingly disposed of directing the Deputy Collector & Tahsildar, Serilingampally Mandal, Ranga Reddy District, to take appropriate action on the petitioner's representation dated 27.02.2017 and restore the entries in the revenue records as were existing prior to the passing of the order dated 07.11.2006 by the Joint Collector-II, Ranga Reddy District, in exercise of power under Section 166-B of the Act of 1317 Fasli. Such restoration shall however be subject to the result of the civil litigation, if any, initiated by the State pursuant to the order dated 19.01.2013 passed by the Joint Collector or otherwise.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

5th FEBRUARY, 2019

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SANJAY KUMAR, J