

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.20255 OF 2014

ORDER

The grievance of the petitioners is with the order dated 01.07.2014 passed by the Joint Collector, Nalgonda, exercising review powers under Section 114 read with Order 47 CPC.

By order dated 18.07.2014, interim stay of the operation of the order dated 01.07.2014 was granted observing that the power of review has to be specifically conferred as it would not be inherent in a quasi-judicial authority.

The learned Assistant Government Pleader for Revenue, State of Telangana, does not dispute the aforestated legal position. He would however state that in the event, any fraud was played, it would vitiate everything and even the revisional authority would be at liberty to set aside his own order.

It may however be noted that fraud would have to be specifically pleaded and proved. In the case on hand, the review application seems to have been entertained on the ground that the Tahsildar, Chowtuppal, claimed that the sub-division of Survey No.228/6 in favour of the father of the petitioners herein did not appear to be genuine. This claim, even if accepted, would not amount to a fraud having been played as neither was such a plea advanced by the Tahsildar, Chowtuppal, nor was it proved. The settled legal position is that the power of review would not be available unless conferred by the statute. In the case on hand, the Joint Collector had no such review power bestowed upon him. The order dated

01.07.2014 passed by the Joint Collector, Nalgonda, is therefore unsustainable in law and is accordingly set aside.

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

18th FEBRUARY, 2019

Sv

SANJAY KUMAR, J

