

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.47528 and 47871 of 2018

COMMON ORDER:

The prayers of the petitioner in these cases read as under:

“For the reasons stated in the affidavit, the petitioner pray that this Hon’ble court may be pleased to issue an appropriate Writ, Order, or Direction, more particularly one in the nature of Writ of *Mandamus* declaring the inaction of respondent No.2 in disposing of the restoration petitions filed by the petitioner in appeal Nos.D1/377 of 2011 and D1/378 of 2011 on the file of respondent No.2 in spite of lapse of more than 11 months, as illegal, arbitrary and against the principles of natural justice and consequently, to direct respondent No.2 to dispose of the restoration petition within a time frame by issuing notice to the parties to the case, in the interest of justice and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

It is an admitted fact that the Joint Collector (II), Ranga Reddy District, passed common order dated 11.6.2015 closing the Cases bearing Nos.D1/377/2011 and D1/378/2011 on the strength of the memo allegedly filed by the petitioner herein. It was stated therein that he was not interested in prosecuting the matters, but as his counsel was not co-operating in withdrawing them, he was constrained to file the said memo requesting dismissal of the cases as he was not interested in prosecuting the same as the subject land was a self-acquired property of his late mother who had alienated it under a registered sale deed during her life time.

Accepting the plea as set out in the said memo, the Joint Collector dismissed the cases.

It appears that the petitioner thereafter filed applications seeking restoration of both the cases on the ground that fraud was played upon him.

However, it is admitted by Ms. Swapna Reddy, learned counsel representing Sri B.Sudhakar Reddy, learned counsel for the petitioner, that the Joint Collector is not bestowed with the power of reviewing his orders in terms of Section-9 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

Trite to state, unless the power of review is specifically conferred, it would not be open to the authority to assume such power even if fraud is alleged in securing the earlier order. The remedy of the petitioner would therefore lie elsewhere and not by way of restoration applications before the Joint Collector.

The Writ Petitions are accordingly dismissed leaving it open to the petitioner to work out his remedies in accordance with law. It is made clear that this Court has not gone into the merits of the matters as to the allegation of fraud.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

02nd January, 2019
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