

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.47437 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate order, writ or direction more particularly one in the nature of writ of *mandamus* declaring the action of respondent No.2 in not passing any orders on the representation dated 28.6.2018 made by the petitioner for implementing the order dated 12.12.2002 in file No.F2/7458/95 passed by the Joint Collector, Ranga Reddy District under Section 90 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 is illegal, arbitrary and contrary to law, and consequently direct the respondent no. 2 to dispose of the representation dated 28.6.2018 made by the petitioner to implement the order dated 12.12.2002 in file No.F2/7458/95 passed by the Joint Collector, Ranga Reddy District, in the interest of justice, and pass such other order or orders may deem fit and proper in the circumstances of the case in the interest of justice.'

By the order dated 12.12.2002, the Joint Collector, Ranga Reddy District, directed that the name of one Smt.Rubeena, the third respondent before him, should be removed from the revenue records in relation to the land admeasuring Acs.3.24 guntas in Survey No.617 of Turkapally Village. He further directed that the Tenancy Tribunal (Revenue Divisional Officer) should decide the eligibility of the appellant in relation to the extent of Ac.1.34 guntas in Survey No.617 of Turkapally Village, over and above the extent of Acs.3.24 guntas in relation to which the appellant was held to be the absolute owner. The appellant before the Joint Collector, Ranga Reddy District, thereafter executed registered sale deed bearing document No.6723/2001 dated 03.09.2001 along with his brother, one Bandi Bikshapathi, in favour of the petitioner and another whereunder he sold the entire extent of Acs.5.18 guntas in Survey No.617 of Turkapally. Aggrieved by the inaction on the part of the present Tahsildar, Shameerpet Mandal, Medchal Malkajgiri District, in giving effect to the order dated 12.12.2002 passed by the Joint Collector, Ranga Reddy

District, in so far as it pertained to the undisputed extent of Acs.3.24 guntas, the petitioner made representation dated 28.06.2018. Complaining of continued inaction on the part of the said authority, the petitioner is before this Court.

In the light of the aforestated facts, it is clear that the Joint Collector, Ranga Reddy District, held the predecessor-in-title of the petitioner to be the undisputed owner of the extent of Acs.3.24 guntas in Survey No.617 of Turkapally Village and that the name of the third respondent before him, Smt.Rubeena, was invalidly entered against the said extent of land. In the event the said order dated 12.12.2002 has attained finality, it is not open to the revenue authorities to fail to give effect to it. As the petitioner's representation dated 28.06.2018 is pending consideration before the authority concerned, it would be sufficient at this stage for this Court to direct disposal of the said representation on its own merits and in accordance with law.

The writ petition is accordingly disposed of directing the second respondent to take appropriate action pursuant to the representation dated 28.06.2018 in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

Date:21.01.2019

GJ