HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No. 2076 of 2020

ORDER:

This writ petition is filed challenging the action of respondent No.3 in dismissing the revision vide Case No.D1/02/2019, File No.Rev./D1/ROR/Revn/0002/2019, dated 24.12.2019, confirming the orders of respondent No.4 in file No.B/ROR/5761/2017, dated 28.07.2018, in respect of land in Survey No.250, to an extent of Ac.4.08 guntas, situated at Pedda Adirala Village of Jadcherla Mandal, Mahabubnagar District.

Learned Counsel for the petitioner submits that the Revenue Divisional Officer-4th respondent has no suo motu power to entertain the application for validation of simple seeds as per Section 5 A of the Telangana Rights In land and Pattadar Pass Books Act, 1971, but still he entertained the application as suo motu appeal and disposed of the same by order dated 20.07.2018 and directed the 5th respondent-Tahasildar to pass appropriate orders for implementation of simple sale deed and that the revision preferred by the petitioner before the Joint Collector against same is affirmed. He also submits that it is only the 5th respondent who can entertain the application for validation of the simple sale deeds and that the Revenue Divisional Officer is only appellate authority against the orders passed by 5th respondent.

Heard learned Assistant Government Pleader for Revenue who submits that as per Section 5 B(2) of the Act Revenue Divisional Officer has suo motu power calling for records of a case or any proceedings from the Recording Authority and inspect it in order to satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and make suitable order in that behalf.

Basing on the report dt.27.07.2018 of the 5th respondent-Tahasildar, the Revenue Divisional Officer entertained appeal and passed orders.

As per Section 5A of the Act, it is the 5th respondent who can validate the sale deeds. No doubt as per 5B (2) of the Act, the 4th respondent - Revenue Divisional Officer has suo motu power, but, the 6th respondent straight away approached the 4th respondent for validating the sale deed. As such, for entertaining suo motu appeal by the 4th respondent there are no proceedings in favour of 6th respondent. Entertaining suo motu appeal itself is not in accordance with Section 5 B (2) of the Act. But, however, no positive relief is granted to the 6th respondent. The Revenue Divisional Officer has only passed orders for taking action for implementation of simple sale deed said to have been executed in favour of 6th respondent. Further, the Revisional Authority asked the respondents in the revision to file claim petition in Form-X to the 5th respondent-Tahasildar and the Tahasildar was asked to take action as per Section 5A of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, keeping in view the guidelines issued by the Government with respect to regularization of the private sale deeds as per their eligibility which goes to show that no adverse orders are passed against the petitioner. The Revisional Authority delegated the 6th respondent to 5th respondent who is competent authority for validating the sale deeds.

In view of the same, since there are no adverse orders against the petitioner, the 5th respondent-Tahasildar is directed to take appropriate action on the application, if any, filed by 6th respondent for validation of the alleged sale deed, after issuing notice to the petitioner, and the petitioner can raise all the objections before the 5th respondent thereon.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

10.02.2020
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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 2076 of 2020

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