

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.3229 OF 2020

O R D E R

This writ petition is filed against the order dated 12.12.2019 passed by the 2nd respondent – Joint Collector in Revision Case No.D1/56/2019, wherein and whereby, the revision filed by unofficial respondent No.5 was allowed, and the order passed by the 3rd respondent – Revenue Divisional Officer in file No.B/ROR/2090/2018 dated 15.09.2018 granting mutation in favour of the petitioner, was set aside.

Learned counsel for the petitioner submits that by virtue of the judgment and decree passed by court of Munsif Magistrate, Parigi, Rangareddy in the partition suit in O.S.No.37/1978 dated 29.08.1978, and also by virtue of the execution of the will dated 22.05.1978, by one of the brothers of the father of the petitioner, the father of the petitioner became the absolute owner of the suit schedule property, and the subject property in the writ petition, fell to the share of the petitioner. Learned counsel further submitted that the father of the petitioner also filed suit in O.S.No.43 of 1993 on the file of Senior Civil Judge, Vikarabad for declaration, deliver of possession and for damages against his two brothers, and the same was decreed *ex parte* on 31.10.1997 and for setting aside the said decree, Mr. Hanmanth Reddy, who is one of the brothers of the father of the petitioner, preferred I.A.No.80 of 1999 in O.S.No.43 of 1993, and the same was dismissed on 24.10.2002, and the subsequent CRP.No.5814 of 2003 filed on the file of this court, was also dismissed on 07.03.2003, and thus the decree in O.S.No.43 of 1993, has attained finality. Learned counsel submits that without considering the decrees passed by the civil court, the 2nd respondent allowed the revision filed by the unofficial respondent No.5, and the same is illegal and arbitrary.

Heard the learned Assistant Government Pleader for Revenue.

Sri N.Vasudeva Reddy, learned counsel appearing for the unofficial respondent No.5 submits that the said respondent purchased the subject property under registered sale deed dated 01.02.1993 and her name was mutated in the revenue records. He submits that the 5th respondent is not a party to the civil proceedings and the execution in the civil decrees referred to by the petitioner, is barred by limitation, as such, the revisional authority allowed the revision, and hence no exception can be taken.

In this case it is to be seen that the fact that the unofficial respondent No.5 purchased the subject property under registered sale deed, is not in dispute and the same is also not challenged by the petitioner as on today. Further, against the impugned order, the petitioner has remedy under Section 8(2) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, and without availing the said remedy, petitioner has filed the present writ petition.

In view of the same, writ petition is disposed of leaving it open to the petitioner to avail alternative remedy under Section 8(2) of the Act, within a period of four weeks from today. In the meanwhile, the unofficial respondent No.5, shall not alienate the subject property.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:06—03—2020
avs