

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 13845 OF 2020

Between:

Bandi Nageswar Rao, S/o Bandi Ramulu, Aged about 50 years, occ. Teacher, R/o Peruballi Village, Khammam District.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary (Revenue) Secretariat, Hyderabad.
2. The District Collector, Khammam District, Khammam.
3. The Revenue Divisional Officer, Kalluru Division, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or direction or writ in the nature of Mandamus declaring the direction/request made by the 3rd respondent in proceedings RC No. B1/326/2018, dated 02.06.2020 to the District Educational Officer, Khammam to "enquire into the bigamous marriage said to be taken place by the Respondent No. 1 for violation of rule 25 of TS Civil Services (Conduct) Rules, 1964, as illegal, arbitrary and without any authority or jurisdiction and consequently struck down the proceedings to the extent of enquire into the bigamous marriage said to be taken place by the Respondent No. 1 for violation of rule 25 of TS Civil Services (Conduct) Rules, 1964", in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings RC No. B1/326/2018, dated 02.06.2020 to the extent of "enquire into the bigamous marriage said to be taken place by the Respondent No. 1 for violation of rule 25 of TS Civil Services (Conduct) Rules, 1964", made to the District Educational Officer, Khammam in the interest of justice.

Counsel for the Petitioner: SRI. P RAMA SHARANA SHARMA

Counsel for the Respondents: GP FOR SERVICES II/GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13845 OF 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader. With the consent of learned counsel for the petitioner and learned Government Pleader, the writ petition is disposed of at the stage of admission.

2. Petitioner is working as a Teacher in School Education Department.

3. It appears from the material on record, there is an *inter se* dispute among the family members and certain properties are standing in the name of the elder brother of petitioner. Father of the petitioner applied to the Revenue Divisional Officer to change the name of his elder son in the revenue records and to record the name of the petitioner. As a defense, it appears, the brother of the petitioner complained that though petitioner is a Government servant, he has contracted second marriage and the same would amount to violating the Telangana State Civil Services (Conduct) Rules, 1964 (Rules, 1964). The Revenue Divisional Officer vide proceedings dated 02.06.2020 while rejecting the request of the father of petitioner for effecting changes in the revenue records in favour of the petitioner, requests the District Educational Officer to enquire into the allegation of bigamous marriage as violative of Rule 25 of the Rules, 1964. This writ petition is filed by the petitioner aggrieved by the said request made by the Revenue Divisional Officer.

4. According to learned counsel for the petitioner, as the issue concerns only entries in the revenue records under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act, 1971'), the Revenue Divisional Officer ought to have confined the issue to effect changes in entries in the revenue records, but cannot go into the aspect of bigamous marriage and service conditions of the petitioner and it is without jurisdiction and competence.

5. There is merit in the said contention. It is seen from the order that the Revenue Divisional Officer, while dealing with the issue of changes in the revenue records, makes a request to the District Educational Officer apparently responding to the objection filed by the brother of the petitioner on the request made by the father of the petitioner for effecting changes in the revenue records. The Revenue Divisional Officer as an authority exercising powers of appellate authority under the Act, 1971, could not have made such observations on unconcerned issue and ought to have confined to the issue of effecting changes in the revenue records under the provisions of the Act, 1971. He cannot make any observations or suggestions on unconcerned issue, which may impact the rights of a person before him, in this case marital status and service conditions of the petitioner. To that extent, the observations/suggestions are not sustainable and the same should be expunged from the order of the Revenue Divisional officer, dated 02.06.2020. It is accordingly ordered. However, such expunction does not come in the way of the District Educational Officer to look into the aspect whether the petitioner contracted second marriage during the subsistence of the first marriage, if any such issue comes to

his notice and shall act independently to deal with such issue, uninfluenced by the suggestions made by the Revenue Divisional Officer in the proceedings dated 02.06.2020.

6. The writ petition is disposed of. Pending miscellaneous petitions shall stand closed.

//TRUE COPY//

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary (Revenue), State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Khammam District, Khammam.
3. The District Educational Officer Khammam
4. The Revenue Divisional Officer, Kalluru Division, Khammam District.
5. One CC to Sri. P. Rama Sharana Sharma, Advocate (OPUC)
6. Two CCs to GP for Services II, High Court for the State of Telangana at Hyderabad (OUT)
7. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad (OUT)
8. Two CD Copies.

PM

HIGH COURT

DATED:26/08/2020



ORDER

WP.No.13845 of 2020

Disposing of the WP
Without costs

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HMA
03/9/2020.