

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

WEDNESDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 16721 OF 2020

Between:

K. Rama Krishna Reddy, S/o. K. Ranga Reddy, Aged about 46 years, Occ: Business,
R/o. H.No.1-6-212/65/107/35, Gangaputra Colony, Musheerabad, Hyderabad - 500 020.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Revenue, Secretariat, Hyderabad.
2. The Tahsildar, Medipally Mandal, Medchal-Malkajgiri District.
3. The Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District.
4. The District Collector, Ranga Reddy District at Hyderabad.
5. Moses Vinod Kumar, S/o. Dr.M.S. Dayakar Rao, Aged about 59 years, Occ: Business, R/o. Flat No.507, Dayakamal Towers, Padmaja Colony, Vasavi Nagar, Kharkhana, Secunderabad - 500 015.

...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 issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declare the action of respondent Nos.4 & 2 herein in not considering the petitioners representations dated 21/10/2019 and 28/12/2019 respectively for revocation of mutation of revenue records obtained fraudulently in respect of Sy.No.79/A admeasuring 0-25 ¼ guntas and in Sy.No.79/AA admeasuring Ac.1-18 guntas situated at Peerzadiguda village, Medipalli Mandal, Medchal-Malkajgiri District as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and also the provisions of ROR Act.

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 direct the respondents herein to consider the petitioners representations dated 21/10/2019 and 28/12/2019 pending disposal of the writ petition.

Counsel for the Petitioner: SRI. V. RAGHUNATH

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.16721 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declare the action of respondent nos.4 and 2 herein in not considering the petitioner's representations dated 21.10.2019 and 28.12.2019 respectively for revocation of mutation of revenue records obtained fraudulently in respect of Sy.No.79/A admeasuring 025¼ guntas and in Sy.No.79/AA admeasuring Ac.1-18 guntas situated at Peerzadiguda village, Medipalli Mandal, Medchal-Malkajgiri District as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and also the provisions of ROR Act and pass such other order or orders..."

2. Heard both sides. Perused the record.
3. Learned counsel for the petitioner would contend that the wife of the petitioner is the owner and possessor of plot No.11 (middle part) admeasuring 140.68 square yards in Sy.No.79/e situated at Peerzadiguda Village, Medipalli Mandal, Medchal-Malkajgiri District, having purchased the same vide registered document No.5675/2020, dated 09.06.2020, of S.R.O. Uppal. While so, the 5th respondent herein obtained mutation of the subject land in his name in the revenue records basing on a fraudulent sale deed bearing document No.4838/1996. The petitioner came to know about the said fraudulent document recently from the information sought by him under Right to Information Act. The respondent Nos.2 and 3 herein, without verifying the veracity of the said fraudulent sale deed, mutated the name of the 5th respondent in the revenue records in respect of land admeasuring Ac.0.25¼ guntas in Sy.No.79/A and Ac.1.18 guntas in Sy.No.79/AA situated at Peerzadiguda Village, Medipalli Mandal, Medchal-Malkajgiri District. On coming to know

about the said illegality, the petitioner submitted representations, dated 21.10.2019 and 28.12.2019 to the 4th respondent/District Collector, Ranga Reddy District and the 2nd respondent/Tahsildar, Medipalli Mandal, Medchal-Malkajgiri District respectively, seeking their immediate intervention and revocation of the entries made in the revenue records. Till date, no action has been taken on those representations either by the 2nd respondent or the 4th respondent and ultimately prayed this Court to grant the relief sought by the petitioner in this writ petition.

4. On the other hand, the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 would contend that the alleged fraudulent document is of the year 1996. Since fraud is alleged by the petitioner, Civil Court is the competent authority to deal with the same. Further, the 2nd respondent/Tahsildar has no power to revoke the entries in the revenue records. The relief sought by the petitioner in this writ petition cannot be granted and ultimately prayed to dismiss the writ petition.

5. The main contention of the petitioner is that the document under which the 5th respondent is claiming the subject land and basing on which the authorities concerned mutated the name of the 5th respondent in the revenue records, is a fraudulent document and he came to know about the same when information was furnished to him by the 2nd respondent/Tahsildar under Right to Information Act, vide Lr.No.R.T.I./67/2017, dated 03.01.2018. The petitioner wants this Court to direct the Tahsildar concerned to revoke the entries in the revenue records. Admittedly, Tahsildar has no power to revoke the entries made in the revenue records. Furthermore, the

genuineness or otherwise of the alleged fraudulent document cannot be decided by this Court in this writ petition filed under Article 226 of the Constitution of India. It is settled law that if, in a petition filed under Article 226 of the Constitution of India, complicated questions of fact which require a regular and full-fledged trial are involved, it is but prudent that the Court should refrain itself from entertaining such petition and relegate the party to the normal remedy to obtain redress in a suit. Thus, an efficacious remedy is available to the petitioner before the competent Civil Court. In the given circumstances of the instant case, the petitioner is not entitled for the relief sought by him in this Writ Petition. None of the contentions made on behalf of the petitioner merit consideration. The writ petition is devoid of merit and is liable to be dismissed. It is needless to say that even if a direction is given to the respondent Nos.2 and 4, to dispose of the representations dated 21.10.2019 and 28.12.2019, it will not yield any justifiable result. However, it is open to the petitioner to workout the remedies, in accordance with law, before appropriate authority.

6. Accordingly, this Writ Petition is dismissed. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to Sri V. Raghunath, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies

CHR

HIGH COURT

DATED:07/10/2020

ORDER

W.P.No.16721 of 2020



DISMISSING THE WRIT PETITION
WITHOUT COTS

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05/11/2020