THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29170 OF 2019

Date:06.01.2020

Between:

M. Srinivasa Reddy, S/o. M. Krishna Reddy,
Aged about 51 years, Occ: Business
and another .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others .. Respondents

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 5 and learned counsel representing the unofficial respondents.

2. This case has a checkered history. Petitioners as well as unofficial respondents are fighting over the land to an extent of Acs.5.17 in Survey No.652 of Nasrullahbad Village, Jadcherla Mandal, Mahabubnagar District. Accepting the claim of petitioners that they have purchased the subject land by way of an unregistered sale deed, the Tahsildar passed orders on 12.12.1995 validating the same and ordering mutation of the names of the petitioners in the revenue records. Aggrieved thereby, the unofficial respondents preferred appeal. The appellate authority by its order dated 22.07.2017 set aside the order of the Tahsildar and remanded the matter to the Tahsildar for consideration of the issue afresh. On remand, the Tahsildar held that since the land is Inam land, question of validating the unregistered sale deed does not arise and rejected the application for validation. The unofficial respondents filed appeal before the Joint Collector for validation of Occupancy Rights Certificate (ORC). The petitioners were also made parties and they were heard. By order dated 18.09.2018, the Revenue Divisional Officer, while upholding the claim of the applicants therein that they are entitled to ORC to the above extent of land also observed

that the petitioners herein having claimed to have purchased the very same land by way of an unregistered sale deed are entitled to ORC and granted relief to them, in an application filed by the unofficial respondents. Aggrieved thereby, the unofficial respondents preferred revision. Having regard to the history of litigation and the manner in which the issue was decided by the Revenue Divisional Officer, the Joint Collector remanded the matter to the Revenue Divisional Officer for consideration of the issue afresh and to take a decision.

3. I do not see any error in the decision of the Joint Collector in remanding the matter, more particularly having regard to the history of litigation and the view taken by the Revenue Divisional Officer in the earlier round of litigation in an appeal preferred against the regularization of an unregistered sale deed vide Tahsildar order dated 12.12.1995.

4. At this stage, learned counsel for the petitioners submits that petitioners have serious apprehension on the impartiality of the Revenue Divisional Officer and that he would not consider the objections that may be filed by the petitioners.

5. No opinion can be expressed on this apprehension, at this stage. It cannot be expected that the quasi-judicial authority would not give opportunity of hearing and would not consider the material placed before it.

6. Leaving it open to the petitioners to work out their remedies as available in law and also placing material in

support of the claim of the petitioners, the Writ Petition is dismissed. It is needless to observe that if such objections are filed, they shall be considered before taking a decision as per law. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:06.01.2020
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