

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3167]

MONDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

REVIEW I.A.NO. 1 OF 2022

IN

WRIT PETITION NO: 13470 OF 2014

Between:

1. The Chief Commissioner of Land, Administration/ Special Chief Secretary, Government of T.S, Hyderabad.
2. The District Collector, Rangareddy District at Hyderabad.
3. The Revenue Divisional Officer, Chevella Division, Rangareddy District.
4. The Tahsildhar, Shankarpally Mandal, Rangareddy District.
5. The State of Telangana., Rep. by Principal Secretary, Revenue Department, Secretariat, Hyderabad.

...PETITIONERS/

RESPONDENT NOS. 2 TO 6 IN WP NO.13470 OF 2014

AND

1. Pranav Oil Processing Industry Pvt. Ltd, Jubilee Hills, Hyderabad , Rep. by its Director Sri.S.Padmanabha Rao, S/o Kishan Rao, R/o. Hylam Colony, Venkatagiri, Hyderabad-33
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.

...PETITIONER/

WRIT PETITIONER IN WP NO.13470 OF 2014

...RESPONDENT/

6TH RESPONDENT IN W. P. NO.13470 OF 2014

Petition under Order 47 Rule 1 of CPC praying that for the reasons stated in the Memorandum of Grounds filed in support of the petition, the High Court may be pleased to review the court orders passed in W.P.NO. 13470 of 2014, dated 28/06/2021, in the interest

This petition coming on for hearing, upon perusing the petition and the Memorandum of Grounds filed in support thereof and upon reading the order 28.06.2021 in W.P.No.13470 of 2014 and upon hearing the arguments of GP for Revenue on behalf of the Review petitioners and of Sri K. R. Prabhakar, Counsel for Respondent No. 1, the Court made the following: **ORDER**

"This Interlocutory Application is filed seeking to review the order dated 28.06.2021 passed by this Court in W.P. No.13470 of 2014.

This Court vide order 28.06.2021 has allowed W.P. No.13470 of 2014. Operative portion of the said order dated 28.06.2021 reads as under:

"In view of the law laid down by the Hon'ble Supreme Court as well as this Court, in the cases referred to above, the Writ Petition has to be allowed and the same is accordingly allowed setting aside the impugned notice dated 23.01.2012, however, as one without jurisdiction, leaving it open to the authorities to approach the Civil Court to adjudicate their rights, if any."

The present Review Application has been filed by the learned Government Pleader stating that even though the authorities are entitled to take necessary action against the writ petitioner under the provisions of Telangana Assigned Lands (Prohibition of Transfers) Act, 1977, and any other relevant Enactments, but by virtue of the order dated 28.06.2021 passed by this Court, they are unable to proceed further. The direction to approach the Civil Court is very time consuming task and may not be an effective remedy.

Per contra, the learned Senior Counsel appearing for the writ petitioner has vehemently opposed the very maintainability of the Review Application. Learned Senior Counsel has stated that there is no mistake or error apparent on the fact of the record committed by this Court while passing the order dated 28.06.2021. That the order dated 28.06.2021 is perfectly inconsonance with the law laid down by the Hon'ble Supreme Court. Learned Senior Counsel has relied on the judgment of the Hon'ble Supreme Court in *Parision Devi v. Sumitri Devi* [(1997) 8 SCC 715] wherein at para 9, it was held as under:

"Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of this record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise"."

Therefore, the learned Senior Counsel has prayed this Court to dismiss the I.A.

A perusal of the order dated 28.06.2021 reveals that in W.P. No.13470 of 2014 while dealing with the notice issued to the Writ Petition under the provisions of Land Encroachment Act, 1905, dated 23.01.2012, this Court has held that after a long lapse of time, the authorities concerned cannot take recourse to the provisions of Land Encroachment Act, 1905, and therefore directed the authorities to approach the Civil Court to adjudicate their rights.

But, as rightly pointed out and contended by the learned Government Pleader, the writ petitioner is a purchaser from an assignee. The manner and procedure under which the authorities have to take action for violation of any of the provisions of Telangana Assigned Lands (Prohibition of Transfers) Act, 1977, has been prescribed under the Act itself. If there are any violations of the provisions of Telangana Assigned Lands (Prohibition of Transfers) Act, 1977, the Act prescribes the method and manner in which the lands can be resumed back to the Government. Therefore, this Court is of the opinion that the words 'to approach the Civil Court to adjudicate their rights, if any,' appearing in the penultimate paragraph of the order dated 28.06.2021 need to be deleted and substituted with the words "to take necessary action under appropriate provisions of law, duly following the procedure established under the law."

Accordingly, the I.A. is ordered.

//TRUE COPY//

Sd/- K. SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Chief Commissioner of Land, Administration/ Special Chief Secretary, Government of TS, Hyderabad.
2. The District Collector, Rangareddy District at Hyderabad.
3. The Revenue Divisional Officer, Chevella Division, Rangareddy District.
4. The Tahsildhar, Shankarpally Mandal, Rangareddy District.
5. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.]
6. One CC to Sri K R Prabhakar Advocate [OPUC]]
7. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
8. Two CD Copies

MBC

HIGH COURT

AAR,J

DATED: 30/01/2023



ORDER

REVIEW I.A.NO. 1 OF 2022
IN
WRIT PETITION NO: 13470 OF 2014

ORDERING THE I.A.

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