

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

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 6091 OF 2008

Between:

1. Bholaboina Durgaiah, S/o. Late Narasaiah
2. Bholaboina Durgaiah @ Ramulu, S/o. Late Narasaiah
3. Rajamallaiah, S/o. Nagaiah
4. Karre Yellavva, W/o. Mallaiah

(All are R/o. Bhommaram Village, Yeldurthy Mandal, Medak District.)

...PETITIONERS

AND

1. The Joint Collector, Medak district at Sangareddy.
2. The Revenue Divisional Officer,, Medak.
3. The Tahsildar, Yeldurthy,, Medak District.
4. Palley Yellaiah, S/o. Saya Goud R/o. Masaipet Village, Yeldurthy (M), Medak District.
5. Palley Yadagiri, S/o. Yellaiah R/o. Masaipet Village, Yeldurthy (M), Medak District.
6. Kukadev Siddiramulu, S/o. Chandraiah R/o. Nagasanpally Village, Yeldurthy (M), Medak District.
7. Kukadev Kistaiah, S/o. Narsaiah R/o. Nagasanpally Village, Yeldurthy (M), Medak 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 issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, set aside the Proceedings in Case No.E/2801/2007 dt-03.08.2007 on the file of the Respondent No.2 and consequential order in case No.B/320/2007 dt- 29.12.2007 on the file of Respondent No.3 as illegal, arbitrary, unreasonable, without jurisdiction, violative of principles of natural justice and also contrary to the provisions laid down in A.P. Rights in Land and Pattadar Pass Book Act, 1971 and consequently direct the respondents not to change the petitioner names from Revenue Record,

I.A. NO: 1 OF 2008(WPMP. NO: 7929 OF 2008)

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 respondent authorities not to change the Petitioners names from the Revenue Records with regard to Sy.No.933 admeasuring Ac.2-33 gts situated at Bommaram hamlet of Masaipet Village, Yeldurthy Mandal, Medak District,

Counsel for the Petitioners: SRI K. RAJANNA

Counsel for Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for Respondent Nos. 4 to 7: SRI P. VENKAT REDDY

The Court made the following: ORDER

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.6091 of 2008

ORDER:

This writ petition is filed seeking the following relief:

"to issue a writ order or direction more particularly one in the nature of Writ of Mandamus set aside the Proceedings in Case No.E/2801/2007 dt. 03.08.2007 on the file of the Respondent No.2 and consequential order in case No.B/320/2007, dt.29.12.2007 on the file of Respondent No.3 as illegal, arbitrary, unreasonable without jurisdiction violative of principles of natural justice and also contrary to the provisions laid down in A.P. Rights in Land and Pattadar Pass Book Act,1971 and consequently direct the respondents not to change the petitioner names from Revenue Record."

2. Heard Sri P.Madhusudhana Kumar, learned counsel representing Sri K.Rajanna, learned counsel for the petitioners and learned Assistant Government Pleader appearing for respondent Nos.1 to 3. Perused the record.

3. When the matter was taken up for hearing on 06.12.2023, there was no representation on behalf of respondent Nos.4 to 7. To give one more opportunity, the matter was posted to 08.12.2023, 12.12.2023, 19.12.2023, and 27.12.2023 there was no representation on behalf of

respondent Nos.4 to 7 on the said dates. To afford final indulgence, the matter was posted to 29.12.2023. Today also, no representation on behalf of the unofficial respondents. In view of the same, this Court is not having any option except to proceed with the matter on merits.

4. Learned counsel for the petitioners submits that the petitioners are owners and possessors of the agricultural land to an extent of Acs.2.33 guntas in Sy.No.933 situated at Bhommaram hamlet of Masaipet Village, Yeldurthy Mandal, Medak District, and the same was purchased from respondent No.4 through simple sale deed dated 09.05.1961 and since then the petitioners have been in possession and enjoyment of the said land. He further submits that the ordinary sale deed was regularized by respondent No.3 exercising the powers conferred under Section 5-A of the A.P.Rights in Land and Pattadar Passbooks Act,1971 (hereinafter called 'the Act' for brevity) and issued 13-B certificate on 04.04.1997 and the petitioners names were mutated in the revenue records and pattadar passbooks and title deeds were also issued.

5. While things stood thus, unofficial respondent Nos.4 and 5 have filed application before respondent No.2 on 26.04.2007 to issue necessary direction to respondent No.3 for issuance of pattadar passbook and title deeds in respect of Sy.No.933 to an extent of Acs.2-33 guntas situated at Bhommaram hamlet of Masaipet Village, Yeldurthy Mandal, Medak District, and also incorporate their names in the revenue records and the same was treated as case No.E/1705/2007, and respondent No.2 after due verification of the records, dismissed the application by giving cogent reasons by its order dated 30.06.2007 and respondent Nos. 4 and 5 have not filed any appeal and the same has become final. Thereafter, the unofficial respondent Nos.4 and 5 filed review petition before respondent No.2 to review the order dated 30.06.2007, although, respondent No.2 is not having any authority or jurisdiction to entertain the said review application. However, he allowed the said application and passed the order on 03.08.2007. In pursuant to the said order, respondent No.3 issued order case No.B/320/2007, dated 29.12.2007 cancelling the pattadar passbook and title

deeds and also issued 13-B certificate in favour of the petitioners.

6. Learned counsel for the petitioners vehemently contended that respondent No.2 is not having authority or jurisdiction to review his own order and no such review power is provided under the provisions of the Act. Hence the impugned order passed by respondent No.2 dated 03.08.2007 is illegal and without jurisdiction.

7. Per contra, learned Assistant Government Pleader submits that respondent No.2 after following the due procedure as contemplated under the provisions of the Act and rules made thereunder passed the impugned order and there is no illegality or irregularity in the said order.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, which clearly reveals that the petitioners are claiming the rights over the subject property basing on the simple sale deed executed by respondent No.4 in favour of the petitioners and the said sale deed was regularized by respondent No.3 invoking the provisions of

the RoR Act and rules made thereunder and were issued 13-B certificate on 04.04.1997 and also, the record further reveals that the pattadar and passbooks were also issued in favour of the petitioners. Respondent No.2 initiated the proceedings basing upon the representation submitted by respondent Nos.4 and 5 for correction of revenue entries and dismissed the application filed by respondent Nos.4 and 5 on 30.06.2007. Respondent Nos.4 and 5 without availing the remedy of appeal as provided under Section 5(5) of the Act filed review petition and the same was allowed on 03.08.2007.

9. It is very much relevant to place on record that as per the provisions of the Act, 1971 and rules made thereunder, the R.D.O./respondent No.2 is not having any power to entertain the review petition to review his own order dated 30.06.2007. Hence the impugned order passed by respondent No.2 dated 03.08.2007 is liable to be declared as without jurisdiction and contrary to law.

10. For the foregoing reasons, the impugned order passed by respondent No.2 dated 03.08.2007 and consequential

order passed by respondent No.3 dated 29.12.2007 are liable to be set aside. Accordingly, set aside.

11. The Writ Petition is allowed. However, the unofficial respondents are granted liberty to avail the remedies under common law by approaching competent Civil Court, if so advised. No costs.

Pending miscellaneous applications, if any, shall stand closed.

**SD/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR**

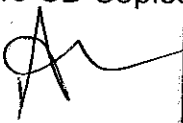
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SECTION OFFICER

To,

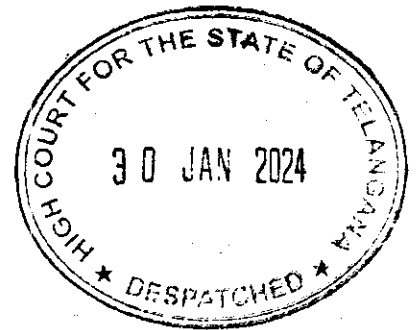
1. The Joint Collector, Medak district at Sangareddy.
2. The Revenue Divisional Officer,, Medak.
3. The Tahsildar, Yeldurthy,, Medak District.
4. One CC to Sri K Rajanna Advocate [OPUC]
5. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
6. One CC to Sri P Venkat Reddy Advocate [OPUC]
7. Two CD Copies

MBC
SB



HIGH COURT

DATED: 29/12/2023



ORDER

WP.No.6091 of 2008

ALLOWING THE WRIT PETITION

WITHOUT COSTS

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~~REMA~~
~~17/1/2024~~