

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * * *

-

WRIT PETITION No.38983 of 2015

BETWEEN

Sri Sai Teja Developers and others.

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 28.12.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

-

-

-

-

ORDER:

Petitioners herein question the notice issued by the fourth respondent in RC/E/1615/2015 dated 14.11.2015 wherein he proposed to conduct an enquiry for mutation of the names of respondents

8 and 9 to the extent of Ac.2.25 cents in Sy.No.10/B of Vengalapuram Village, Adoni Municipality, Kurnool District.

2. The primary ground on which the notice is questioned relates to the jurisdiction of the fourth respondent inasmuch he is not the primary authority to take up the mutation proceedings under the

A.P. Rights in Land and Pattadar Pass Books Act (for short 'the Act')

at the instance of respondents 8 and 9. Petitioners also state that they have filed a suit O.S.No.326 of 2015 before the Senior Civil Judge, Adoni against the unofficial respondents 8 and 9 for perpetual injunction.

3. When the writ petition came up for admission on 01.12.2015,

it was *prima facie* found that the fourth respondent is not the recording authority and it was observed that such application could have been utmost considered by the fifth respondent instead of the fourth respondent. Accordingly, notice was issued to all the respondents while granting interim stay of all further proceedings.

4. Respondents 8 and 9 have filed a counter affidavit asserting their claim for mutation. It is

also stated by the learned counsel for respondents 8 and 9 that the request letter given by the learned counsel for the petitioners to the District Collector is forwarded by the Collector to make enquiry with regard to mutation of adangal and in pursuance of that, the fourth respondent had issued the impugned notice.

5. Learned Government Pleader is unable to get instructions but, however, agrees that the recording authority under the Act is the fifth respondent and not the fourth respondent, who shall conduct enquiry with regard to the request for mutation.

6. In view of that, therefore, the fourth respondent, being not the authority designated under the Act, no purpose would be served by permitting the enquiry to go on before the fourth respondent and on the parties objection for conducting enquiry by the fifth respondent.

In the circumstances, the fourth respondent is directed to remit the notice as well as the enquiry to the fifth respondent, who shall give notice to all the parties, conduct an appropriate enquiry and then pass necessary orders in accordance with the Act expeditiously.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 28, 2015

DSK