

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2039 of 2004

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue, for respondents 1 to 3 and learned counsel for the 4th respondent.

The petitioner purchased agricultural land admeasuring Acs.8.14 guntas situated in survey Nos.156, 158, 159 and 160 of Nemragomula Village, Bibinagar Mandal, Nalgonda District, through registered sale deeds, dated 13.12.1999 and 11.02.2000. Originally, the said land belongs to one D.Atchaiah and O.Pentaiah. After purchase of the lands, the 1st respondent mutated the name of the petitioner in the revenue records. It is alleged that the 4th respondent purchased an extent of Acs.4.20 guntas in survey No.156 from Sri K.Mohan Reddy, GPA Holder, through registered document No.624/98, dated 28.01.1998. In pursuance of the request of the 4th respondent, the revenue records were mutated by order, dated 06.07.2001 by the 2nd respondent. While ordering mutation of the name of the 4th respondent in respect of the land in survey No.156, the 2nd respondent passed an order even in respect of survey Nos.158, 159 and 160 also. Based on the said order, the 1st respondent passed an order on 12.07.2001 cancelling the mutation made in favour of the petitioner in respect of the lands purchased by him on 13.12.1999 and 11.02.2000. Challenging the order of the 2nd respondent, dated 06.07.2001, the petitioner preferred a revision under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, before the 3rd respondent. However, the 3rd respondent confirmed the order of the 2nd respondent, vide order, dated 06.02.2003. Challenging the same, the present writ petition was filed.

It is submitted by the learned counsel for the petitioner that the dispute between the petitioner and the 4th respondent relates to the land in survey No.156 and the 4th respondent is not concerned with the lands in survey Nos.158, 159 and 160 purchased by the petitioner.

Learned counsel for the 4th respondent also fairly agrees for the same.

In view of the above, it appears that respondents 2 and 3 have committed an error in ordering for cancellation of mutation made in favour of the petitioner, in respect of land in survey Nos.158, 159 and 160 also, while ordering mutation in the name of the 4th respondent in respect of land of an extent of Acs.4.20 guntas in survey No.156, purchased by him under registered sale deed, dated 28.01.1998.

In the circumstances, the orders passed by respondents 2 and 3 are set aside and the matter is remanded to the 2nd respondent for consideration of the case afresh, in accordance with law and pass appropriate orders in recording of names of the petitioner or the 4th respondent in the revenue records based on the sale deeds executed by them. However, the orders passed by respondents 2 and 3 does not affect the rights of the parties to be agitated in the civil Court, if they are otherwise entitled to.

The Writ Petition is accordingly allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.02.2015

GJ