

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.NO.11743 OF 2005

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for respondents 1 to 3 and learned counsel for respondent No.4.

It is the case of the petitioner that he purchased the land in an extent of Ac.3.00 in Survey No.464/A of Seerolu Village, Kurivi Mandal, Warangal District from the original pattadar under registered sale deed No.312 of 2002, dated 21.03.2002. After purchase of the property, he filed a representation before the 3rd respondent to mutate his name in the revenue records after issuing notice to all the affected parties. The 3rd respondent mutated the name of the petitioner in the pahanies in respect of Survey No.464/A. Thus, he was in possession of the said land. While so, the 4th respondent submitted a representation before the 2nd respondent on 17.03.2003 challenging the said mutation proceedings and issuance of pattadar pass book and title deeds. The 2nd respondent allowed the said representation filed by the 4th respondent and cancelled the pattadar pass book by order dated 01.10.2003 while directing the 3rd respondent to enquire and take necessary action for mutating the name of the 4th respondent. The petitioner filed a revision before the 1st respondent against the orders dated 01.10.2003 and pending disposal of the said revision, the 1st respondent granted orders of stay as a result of which the petitioner continued to be in possession of the property. The revision filed by the petitioner was ultimately dismissed on 09.05.2005. Challenging the orders passed by the 2nd respondent

dated 01.10.2003 as confirmed by the orders of the 1st respondent dated 09.05.2005, the present writ petition was filed.

The 3rd respondent filed a counter affidavit stating that in pursuance of the orders passed by this Court in W.P.M.P.No.14979 of 2005 in the present writ petition on 30.05.2005 he had to conduct an enquiry. However, the 4th respondent filed an application on 22.10.2009 before the 2nd respondent along with a copy of the order in appeal and revision and orders of this Court dated 30.05.2005 in the present writ petition and requested to implement the orders of the 2nd respondent. The 2nd respondent referred the matter to the 3rd respondent on 01.04.2010. Notices were issued to the petitioner and other parties on 19.06.2010 for filing of objections and no objections were received within 30 days. Since objections were not received, he passed an order on 27.10.2010 implementing the name of the wife of the 4th respondent in the revenue records in respect of Ac.3.00 gts in Survey No.464/A.

Learned Government Pleader produced the record relating to the proceedings of the 3rd respondent, wherein a notice was alleged to have been issued on 19.06.2010 to all the affected parties including the petitioner and it showed that the notice was issued to the petitioner as resident of Serole Village of Kuravi Mandal, whereas the petitioner in his writ petition gave the address as Door No.5-1-54/1, Kaviraj Nagar, Khammam, Khammam District and no notice was issued to the said address. However, an order was passed by the 3rd respondent on the ground that no objections were received by him within 30 days.

In the circumstances, the order passed by the 3rd respondent on 27.10.2010 ordering mutation of the revenue records in favour of the wife of 4th respondent is contrary to the principles of natural

justice as no notice was served on the petitioner, whose address was shown as resident of Khammam.

In view of the facts narrated above, it is clear that the petitioner continued to be in possession of the property by virtue of the registered sale deed and also in view of the stay granted by the Revisional Authority pending revision with him. There is no record to show that the possession was disturbed thereafter at any point of time. This Court by order dated 30.05.2005 observed that pursuant to the orders of respondents 1 and 2, the Mandal Revenue Officer had to conduct enquiry and now the Mandal Revenue Officer has conducted the enquiry without notice to the petitioner, whose order is set aside now.

In the circumstances, respondent No. 3 is directed to issue fresh notice to the petitioner to the address indicated in the writ petition and also to all the other affected parties and hear them and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order and pass fresh orders in respect of Ac.3.00 in Survey No.464/A of Serole Village, Kuravi Mandal, Warangal District.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

Pending miscellaneous petitions in this Writ Petition, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO, J

24.04.2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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DATE: 24.04.2015

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