

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

* * *

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 36168 of 2015

BETWEEN

Smt.Mydarapu Laxmi

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 23.12.2015

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ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader.

2. Petitioner seeks a declaration that the action of respondent Nos.2 and 3 in correcting the entries by taking up mutation merely on the basis of application of respondent Nos.4 to 12 dated 29.12.2012 made before the Revenue Divisional Officer (RDO), Jagtial, and pending in File No.B/8998/2012, as illegal. While petitioner states that the said proceedings before the RDO is pending and petitioner has already raised an objection to the jurisdiction of the RDO on the ground that the MRO is the recording

authority and not the RDO who is the appellate authority. However, though the said proceedings before RDO are pending, apprehending that respondent Nos.2 and 3 are likely to make changes in the revenue record by deleting petitioner's name, this writ petition is filed.

3. On 05.11.2015 while issuing notice and requiring learned government pleader to get instructions, this Court had passed an interim order directing that the entries in the revenue record, as they stand that day, shall not be altered unless an appropriate order is passed by the RDO. The said order continues to be in force even today.

4. Learned Government Pleader has received instructions, which state that the said appeal was already heard on 05.09.2015 and it was pointed out that one of the parties died and the legal representative petition is not filed. Hence, the learned counsel for the appellant sought time to file legal representative petition and the case now stated to be posted to 30.01.2016 for hearing.

5. In view of that, therefore, since the hearing is already scheduled before the RDO on 30.01.2016, I deem it appropriate to dispose of the writ petition with the following directions:

1. Petitioner is free to appear and raise all her contentions including the contention as to the jurisdiction before the RDO, Jagital, in the pending proceedings, referred to above, so that the RDO can decide the entire matter by an appropriate order.
2. Subject to appropriate orders to be passed by the RDO as per directions above, the revenue entries as they are existing as on today shall continue to remain unaltered.

As a sequel the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 23, 2015
LMV