

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

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WRIT PETITION No. 36580 of 2015

BETWEEN

Modem Venkateshwar Goud and others

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary, Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 09.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:-

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. Petitioners state that on the basis of purchase by them under a registered document, they applied for mutation which has accordingly been granted by the fourth respondent as early as on 10.10.2014. Petitioners also state that they have erected barbed wire fencing on the entire land and their names were reflected in the pahanies and other revenue records. While so, the fifth respondent is stated to have filed a complaint before the Sub-Collector, Asifabad, which is forwarded by the Sub-Collector to the fourth respondent for appropriate enquiry. In pursuance thereof petitioners were given a notice by the fourth respondent in Rc.No.B/483/15 dated 05.10.2015 to submit documentary evidence in support of their claim and fixed the enquiry to 04.11.2015. Petitioners have already filed a detailed counter in the said enquiry by raising various grounds supporting their claim. The present writ petition is, however, filed impugning the notice dated 05.10.2015 issued by the Tahsildar primarily on the ground that the fourth respondent physically visited the lands and threatened the petitioners to vacate the land.

3. The dispute relating to mutation already made in favour of the petitioners is subject matter of enquiry before the fourth respondent and since petitioners have already filed their counter raising all various pleas, it is for the fourth respondent to conduct appropriate enquiry and pass appropriate orders irrespective of the ultimate relief sought for by the fifth respondent. The fourth respondent shall therefore conduct necessary enquiry and pass orders and shall not undertake any further action either dispossessing the petitioners or putting the fifth respondent in possession as that is not part of the jurisdiction of the fourth respondent.

With the above direction, 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

November 9, 2015

LMV