

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.37491 OF 2015

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ORDER:

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

The petitioner sought pattadar pass book and title deeds and as per the directions of this Court in W.P.No.26973 of 2015, dated 25.08.2015, the application of the petitioner was enquired into and considered by the Tahsildar, Bodhan Mandal, Nizamabad District, the 3rd respondent. Thereafter, the petitioner is issued impugned Memo in ROR.D/3908/2015, dated 19.10.2015 informing that an objection petition, dated 19.06.2015, is received against mutation of three survey numbers in favour of the petitioner. Hence, to the extent of undisputed survey numbers, orders were issued sanctioning mutation in favour of the petitioner. The Memo further informs the petitioner that on account of the disputed land in Survey Nos.99, 110/E and 134 admeasuring Ac.1.26 guntas, Ac.0.20 guntas and Ac.0.23, respectively, the mutation is withheld pending resolution of the dispute. Aggrieved by the same, the present Writ Petition is filed.

In my view, the impugned Memo itself makes it clear that there is a third party objection regarding three survey numbers, referred to above. Hence, the 3rd respondent would have to give notice, hear the petitioner and the objector and then take appropriate decision. Therefore, I do not see any illegality in the impugned Memo, as the 3rd respondent himself states that to the extent of the disputed survey numbers, appropriate orders would be passed after settlement of the issue, namely resolution of the dispute between the petitioner and the objector.

Hence, the Writ Petition is disposed of directing the

3rd respondent to give notice to the petitioner and the objector, hear them and then pass appropriate orders after resolving the dispute between them with regard to three survey numbers, referred to above, in accordance with law, expeditiously. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

18.11.2015

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