

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

* * *

WRIT PETITION No. 21907 of 2015

BETWEEN

M.Vidyavathi

... PETITIONERS

AND

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

...RESPONDENTS

Date of Order pronounced: 28.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the fair copy of the Judgment? | Yes/No |

ORDER:-

Heard.

2. Petitioner herein questions the proceedings initiated before the Tahsildar, fourth respondent, in file No.B/490/15 basing on the application filed by the fifth respondent seeking correction of the records, for which petitioner was given a notice on 26.06.2015. Earlier petitioner and the fifth respondent were parties to the proceedings which came to be decided by the Revenue Divisional Officer (RDO), Khammam, in ROR Case No.A3/2422/2007 on 28.10.2011. By the said order the RDO while declining to interfere into the title dispute among both the parties, gave liberty to the appellant and the respondent therein to file comprehensive application before the Tahsildar, Mudigonda as regards correction of entries. Present application is however filed by the fifth respondent for which the fourth respondent gave notice to the petitioner.

3. Learned counsel for the petitioner states that the said application of the fifth respondent is not in pursuance of the liberty granted by the RDO in the order aforesaid. Learned counsel further states that since the civil litigation is pending, which is subject matter of A.S.Nos.6 and 7 of 2015 before the Family Court-cum-Additional District Judge, Khammam, petitioner would be prejudiced if the revenue authorities take up and pass any orders relating to entries in the revenue records.

4. I am unable to agree with the contention of the learned counsel for the petitioner in view of the directions of the RDO to the petitioner as well as the fifth respondent herein granting them liberty to make appropriate application before the fourth respondent. Undoubtedly, the fourth respondent had power to enquire into the application filed by the fifth respondent and in the said proceedings it is for the fourth respondent to consider the effect of the civil litigation between the parties, which is pending in first appeal, and to take appropriate decision in the matter. Hence, at the initial stage the notice questioned by the petitioner cannot be countenanced. Petitioner is at liberty to submit all her objections on facts as well as on law before the fourth respondent and the fourth respondent shall consider the same after notice to both the parties and then pass a reasoned order.

The writ petition is accordingly 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

July 28, 2015
LMV