

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

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WRIT PETITION No.23351 OF 2015

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Between:

Devireddy Narsi Reddy

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat Building, Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.23351 OF 2015

ORDER:

Heard.

Notice to the 5th respondent taken out by the learned counsel for the petitioner is returned on a refusal endorsement, as per proof of service filed by the learned counsel for the petitioner. In view of that, the 5th respondent is deemed to have been served. However, no body appears for the 5th respondent.

The petitioner is aggrieved by the order, dated 02.05.2015, of the Joint Collector, Nalgonda District, the 2nd respondent, exercising revisional jurisdiction under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971, wherein he directed the Tahsildar, Mellacheruvu Mandal, Nalgonda District, the 4th respondent, to conduct enquiry afresh duly following the procedure as contemplated under Rule 19 (2) read with Rule 5 (2) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Rules, 1989 (for short, the 'Rules') and implement accordingly.

In the said revision, the petitioner had questioned the order, dated 06.10.2010, of the Revenue Divisional Officer, Suryapet, Nalgonda District, the 3rd respondent. The petitioner's contention in the said revision was that on the basis of the registered documents executed by the respondents in his favour to an extent of Ac.2.00 of land in Survey No.9/AA/1 of Gudimalkapuram of Mellachervu Mandal,

the pattadar passbooks and title deeds issued by the 4th respondent were cancelled. The 5th respondent appears to have already filed a suit in O.S.No.198 of 2009 before the Junior Civil Judge, Huzurabad, which was dismissed on 11.12.2013 and an appeal is stated to be pending against the said order. While the subject matter of the suit is required to be adjudicated by the civil Court with regard to the petitioner's claim for mutation, which was granted by the 4th respondent, the 2nd respondent found vide para No.6 of the order, dated 02.05.2015, that Rule 19(2) read with Rule 5 (2) of the Rules were not followed by the 4th respondent, hence remitted the matter to conduct fresh enquiry duly following the procedure aforesaid. The petitioner questions the said order on the ground that the 2nd respondent has not gone into and given any finding with regard to his contention that neither the 4th respondent nor the 3rd respondent initiated any action on the complaint alleged to have been filed by the 5th respondent before the 4th respondent. As already noticed, the petitioner is in possession and as on today, the registered document stands in his favour, based on which the mutation was already granted in his favour by the 4th respondent on 11.01.2010. In view thereof, the 2nd respondent found that as the procedure before grant of pattadar passbooks was not followed by the 4th respondent, he directed the 4th respondent to conduct a fresh enquiry following the due procedure and pass appropriate orders.

I do not see any reason to interfere with the said order, since the 4th respondent is merely concerned with the mutation proceedings, which he had already granted to the petitioner and mutation proceedings are required to be conducted afresh after following the due procedure and implement the same as directed by the 2nd

respondent.

Hence, the 4th respondent is directed to take appropriate action as directed by the 2nd respondent after issuing notices and opportunity of hearing to the parties and pass appropriate orders, expeditiously, preferably within a period of two months from the date of receipt of a copy of this order.

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

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

VILAS V.AFZULPURKAR, J

11.08.2015

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