

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.36165 OF 2015

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ORDER:

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

This Writ Petition is filed alleging that the District Collector, Ranga Reddy District, Hyderabad, the 2nd respondent and the Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District, the 3rd respondent, are taking up the applications of respondents 4 to 21 for mutation relating to the petitioner's land admeasuring Acs.3.20 guntas in Survey Nos.432/1, 433/1 and 434/1 of Old Safilguda, Malkajgiri Mandal, Ranga Reddy District. The petitioner alleges that for the purpose of mutation, respondents 4 to 21 have fabricated the documents relating to Survey Nos.440, 441 and 442 seeking mutation of the petitioner's land, as above. Apprehending that, such mutation would be made without notice to the petitioner, he has already made a representation, dated 06.10.2015, Ex.P28, to the District Collector, Ranga Reddy District, and also to the Revenue Divisional Officer with a copy to the 3rd respondent on 05.10.2015. The present Writ Petition is filed alleging that ignoring the objections of the petitioner, the mutation proceedings are likely to be granted by respondents 2 and 3 in favour of respondents 4 to 21.

I do not see any reason to entertain the Writ Petition as the cause of action, as on today, for the petitioner has not arisen as no proceedings or orders are passed on the application of respondents 4 to 21 and this Writ Petition appears to have been filed only on the apprehension that the petitioner's land would be mutated in the name of respondents 4 to 21. It is well settled that under the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971, the 3rd respondent, being the recording

authority, is to be approached by any person who seeks for recording of his name in the revenue records. Since the petitioner claims to be the rightful owner of the lands in Survey Nos.431/1, 433/1 and 434/1, he can always object to the application of any person seeking amendment of record of rights relating to the land claimed by him. Since the petitioner has already filed his objections before the 2nd respondent and the Revenue Divisional Officer, it is open for the petitioner to file appropriate objections before the recording authority, namely, the 3rd respondent. If any such objections are filed, the

3rd respondent has to consider the same if any other person applies against the claim made by the petitioner. Even if any application for mutation is received, the 3rd respondent has to notify the same to the petitioner, who claims to be the rightful owner of the subject land, and even at that time also, the petitioner can file his objections. Hence, at this stage, in my view, the Writ Petition is premature to entertain.

The Writ Petition is accordingly disposed of with liberty to the petitioner to approach the recording authority, as stated above. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

05.11.2015

Note:- Furnish C.C. by 09.11.2015.

(B/o)

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