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THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No.17619 of 2011

ORDER:

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The present writ petition is filed questioning the inaction of the respondents in considering the application of the petitioner dated 10-05-2011 made for correction of entries in revenue records and consequently add the name of the petitioner in the records in respect of the lands situated in survey No.88 admeasuring Ac.0-15 guntas in Abbapur village, Navipet Mandal, Nizamabad District as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioner is the absolute owner and possessor of the land in survey No.291 admeasuring Ac.02-01 guntas, survey No.292/1, admeasuring Ac.0-23 guntas and survey No.293 admeasuring Ac.05-04 guntas situated at Abbapur village, Navipet Mandal, Nizamabad District. It is stated that the petitioner inherited the same from his ancestors, his name was entered in the revenue records as pattadar and possessor of the said lands and patta passbook and title deeds were also issued in his favour. Apart from the said land, his ancestors were also owners and possessors of the agricultural lands in survey No.88 of Abbapur village, Navipet Mandal, Nizamabad District, which is abutting the lands in survey Nos.291, 292 and 293 of same village. It is stated that he filed suit vide O.S.No.440 of 2010 on the file of Principal Junior Civil Judge, Nizamabad against the respondents 2 to 4. In I.A.No.1344 of 2010 of the said suit, the respondents admitted the ownership and possession of the petitioner over the said lands and contended that the petitioner had land in survey No.88 admeasuring Ac.0-15 guntas and he sold it to one Ade Laxmi Narsaiah in the year 2004. They further stated that they are the owners of the land in survey No.88/A, AA & E

admeasuring Ac.0-05 guntas in each survey number totally admeasuring Ac.0-15 guntas and the land of the petitioner is situated on the southern side of the land of the respondents. Subsequently, the said injunction petition was dismissed. It is further stated that the petitioner has made an application before the 1st respondent for demarcation of his land and fixing boundaries. On 28-04-2011, a survey was conducted and the land of the petitioner and the respondent was demarcated by

the 1st respondent. After conducting the survey, a memo dated 06-05-2011 came to be issued stating that the petitioner is in possession and enjoyment of the land in survey No.88 admeasuring an extent of Ac.0-15 guntas. Thereafter, the petitioner made an application dated 10-05-2011 before the 1st respondent for correction of entries in the revenue record and entering the name of the petitioner. But the respondent has failed to consider the same till date. Hence, the writ petition.

Learned counsel for the petitioner submits that though the application was made on 10-05-2011, till date no orders are passed.

On the other hand, learned counsel for the respondents 2 to 4 opposed the writ petition contending that there is a title dispute in respect of lands, which are the subject matter of the dispute in the writ petition and as such the question of mutating the name of the petitioner does not arise.

As stated above, the only request made by the petitioner is with regard to considering his representation dated 10-05-2011 pending before the 1st respondent since 2011.

Having regard to the said circumstances, the writ petition is disposed of by directing the 1st respondent to consider the representation dated 10-05-2011, if made by the petitioner and still

pending consideration, in accordance with law, within a period of six weeks from the date of receipt of copy of this order. It is needless to mention that the 1st respondent shall hear the petitioner and respondents 2 to 4 before passing any order. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C.PRAVEEN KUMAR

07-07-2015

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Originally the land in survey No.88 was also the ancestral land of the petitioner, which was totally admeasuring Ac.0-30 guntas, out of which, he sold Ac.0-15 guntas to one Ade Laxmi Narsaiah in the year 2004 and the petitioner is in possession and enjoyment of the remaining land. But the said land is not recorded in the name of the petitioner till date.