THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.24283 of 2014

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Between:

Smt. Najma Banu

PETITIONER

AND

1. The State of Telangana rep. by Principal Secretary, Revenue Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The grievance of the petitioner is that she is the successor in interest of the property admeasuring Ac.0.21 guntas in Sy.Nos.722/AA and Ac.0.23 guntas in Sy.No.723/AA situated at Manoharabad Village, Toopran Mandal, Medak District on the death of her husband late Mohd. Inaythullah Khan. Though she made an application in Form VI (A) on 13.03.2014 before the 4^{th} respondent, so far the same has not been considered. Hence she filed the present writ petition.

On 25.08.2014 the learned Assistant Government Pleader for Revenue is directed to get instructions.

Today, the learned Assistant Government Pleader for Revenue, on instructions, submits that on 18.02.2015 the petitioner was intimated that her application cannot be processed on account of the fact that one Ziyathulla Khan has submitted petition on 10.12.2014, while enclosing the copy of the petition filed by the petitioner herein and others, in the Court of VI Additional Judge, Siddipet in O.S.No.10 of 2014 for partition and separate possession and the same is still pending and in view of the same, the grievance of the petitioner stands redressed.

As per the provisions of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 any application filed seeking amendment of entries in the revenue records based on the succession, required to be made under Section 4 and 5 (1) of the Act r/w Rule 9. Rule 9 (1) (c) (ii) mandates the Mandal Revenue Officer to hold a summary enquiry as to who has the right to succeed to the property of the deceased registered holder. Further a declaration should be filed by the contesting parties about their initiating civil proceedings to establish their superior title.

In the present case, such intimation has been given to the Mandal Revenue Officer, who in turn had kept the case pending without processing. The same has in fact been intimated to the petitioner through proceedings dated 18.02.2015. In that view of the matter, at this stage, a direction cannot be issued to the Tahsildar.

However, it is left open to the petitioner either to await for result of the suit or if, in the opinion of the petitioner, the suit has nothing to do with her claim, she may put forth her submission before the Mandal Revenue Officer. On such submission, the Mandal Revenue Officer shall consider the objections and pass appropriate orders in accordance with law and intimate to the petitioner. If the grievance of the petitioner is not redressed she may avail the remedies as available to her under law.

Accordingly the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

31st March, 2015

Js.