

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8654 of 2015

ORDER:

The petitioner challenges the notice dated 25.12.2014 issued by the 4th respondent on the application of 5th respondent seeking mutation of her name in the revenue records for the land over an extent of Ac.4-16 guntas in Survey No.22/2 of Somaram village, Tadwai mandal, Nizamabad district, on the basis of a registered gift deed bearing Document No.1228/2013 dated 02.11.2013.

2. Learned counsel for the petitioner submits that the 6th respondent, who is the husband of the 5th respondent, had objected to the grant of pattadar passbook by the 4th respondent-Tahsildar in favour of the petitioner and the same was negatived by the 3rd respondent-Revenue Divisional Officer by order dated 13.10.2014. The learned counsel submits that now at the instance of the 5th respondent, who claims to have received the subject land by way of a gift, once again sought to initiate proceedings by issuance of impugned notice; and inasmuch as the matter has attained finality in earlier proceedings, the very application filed by the 5th respondent ought not to have been entertained.

3. On the other hand, learned Government Pleader submits that it is only a notice and the petitioner can as well raise her objections before the Tahsildar and there is no reason for the petitioner to apprehend that her objections shall not be considered.

4. In normal circumstances, this Court would have dealt with this aspect but for the reason that there is a duty cast on the petitioner to first approach the respondent-authority and raise objections, before approaching this Court so as to maintain a writ of mandamus.

5. Considering the nature of dispute, the writ petition can be disposed of giving liberty to the petitioner to approach the 4th respondent-Tahsildar and raise the objections that are now sought to be raised before this Court with regard to the notice dated 25.12.2014. As and when such objections are raised, it is mandatory on the part of the Tahsildar to consider the objections in proper perspective and pass necessary orders, particularly considering the scope of enquiry that is required to be done and the nature of objections that are required to be taken into consideration in

terms of Rules 9(1)(a)(2) and 9(1)(c)(2) of the A.P. Rights in Land and Pattadar Pass Book Rules. Further, in the process of consideration, the Tahsildar shall also take into consideration the specific assertion of the petitioner that on an earlier occasion the claim of the 6th respondent came to be rejected on the ground that the matter is sub-judice due to pendency of O.S.No.17 of 2009 on the file of the Junior Civil Judge, at Kamareddy.

6. With the above observation, the writ petition is disposed of. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

31st March, 2015

ksm