

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.31325 OF 2015

ORDER:

Heard.

The petitioner questions the proceedings, dated 24.01.2015, of the Tahsildar, Kodangal Mandal, Mahaboobnagar District,

the 4th respondent, granting mutation in favour of respondents

6 and 7 on the basis of Occupancy Rights Certificate (ORC) granted in their favour by the Revenue Divisional Officer, Narayanpet, Mahaboobnagar, the 3rd respondent, in File No.A/1779/2013, dated 08.01.2015. The primary contention of the petitioner is that while he is discharging his duties as Muthavalli for Ashoor Khana for the last ten years, respondents 6 and 7, who are the employees of KSRTC and Education Department, respectively, are stated to have obtained ORC with regard to Mafi Inam Lands of the Wakf. The petitioner also submits that when he sought mutation in his favour, the same was refused under endorsement, dated 20.12.2013, of the 4th respondent on the ground of pendency of

a civil suit. But the request of respondents 6 and 7 was considered by the 4th respondent while granting mutation.

Evidently, respondents 6 and 7 obtained ORC, as referred

to above, and that had to be given effect to. Hence, the

4th respondent had no choice, but to implement ORC in the revenue records.

However, the grievance of the petitioner in this Writ Petition appears to be a claim made by respondents 6 and 7 and obtaining of ORC by them. Unless the said ORC is questioned by the petitioner by filing an appeal before the appellate authority, no relief can be granted to him.

The Writ Petition is accordingly disposed of giving liberty to the petitioner to avail the

remedy of appeal before the appellate authority and if such appeal is preferred, the appellate authority would undoubtedly examine the same and pass appropriate orders expeditiously after giving notice to all the parties. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

02.12.2015

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