

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.22919 of 2016

ORDER:

The writ petition is filed with the following prayer :

“to issue a writ, order, or direction, more particularly one in the nature of writ of *Mandamus* declaring the action of the 2nd and 3rd respondents' action as an inaction in the issue of the patta pass book to the 5th Respondent is illegal, arbitrary and against Articles 14, 19 and 21 of the constitution of India and consequently direct the 2nd to 4th respondents to restore the property in the name of deceased persons by canceling illegal mutation done to the 5th respondent.”

Earlier, the present writ petitioners filed W.P.No.35919 of 2015 stating that their objections filed on 08-09-2015 before the District Collector, Tahsildar and the Revenue Divisional Officer, Narayanpet, Mahabubnagar District, objecting for issuance of pattadar passbooks and title deeds in favour of only one of the legal heirs of the deceased pattadar are not being considered. In that writ petition learned Government Pleader for Revenue submitted written instructions along with copy of the Endorsement, dated 26-10-2015 already issued to petitioners. W.P.No.35919 of 2015 was disposed of on 23-11-2015 with liberty to petitioners to take further legal proceedings, if they are aggrieved by the said Endorsement. The petitioners also filed W.P.M.P.No.54987 of 2016 in W.P.No.35919 of 2015 to restore the said writ petition, which was also dismissed by order, dated 26-04-2016 granting liberty to file fresh writ petition. The

present writ petition is filed with the prayer referred to above.

Though liberty was granted to petitioners to challenge the Endorsement, dated 26-10-2015 in proceedings No.A/2042/2015 issued by the 2nd Respondent, the petitioners have not challenged the same in the present writ petition. Without challenging the said proceedings, the present writ petition is filed.

Learned counsel for petitioners submits that petitioners have not given consent for grant of succession in favour of some of legal heirs of Mohammed Saleem Pasha.

The petitioners have an alternative remedy of appeal against the Endorsement, dated 26-10-2015, more so, the said Endorsement is also not challenged in the Writ Petition, therefore, this Court cannot go into the said objection.

Accordingly, the Writ Petition is dismissed as misconceived. However, it is open for petitioners to challenge the said Endorsement, dated 26-10-2015 as observed in the order, dated 23-11-2015 in W.P.No.35919 of 2015 in accordance with law. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J.

Date: 19-07-2016

skmr