

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.4984 OF 2012

ORDER:

No representation for the petitioners in the forenoon and afternoon.

Petitioners pray for the following relief:

"...to issue writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not mutating the names of the petitioners in the revenue records in an extent of Ac.76.01 cents of agricultural land in Mallaram village, Dammamet Mandal, Khammam is illegal, contrary to Sec.5 of AP Rights in Land and Pattedar Pass Books Act,1971 and violative of Articles 14,21,and 300A of the Constitution of India and consequently direct the respondents to mutate the names of the petitioners in the revenue records..."

The 2nd respondent filed counter affidavit disputing the very fact of petitioners approaching 2nd respondent for mutation of names under the R.O.R. Act. The 2nd respondent refers to communication dated 21.03.2012 and the report of Village Revenue Officer to contend that Akkiraju Jogi Raju has sold the lands to 3rd parties and the vendees of said Akkiraju Jogi Raju are in possession and enjoyment of the subject matter of the writ petition. The 2nd respondent claims to have rejected the claims of applicants, however, it is stated the file is not traceable in the office. Notwithstanding the above reply, it is stated if any application is made by the petitioners, the request will be examined in accordance with law, rules and instructions issued by the Government from time to time and appropriate decision will be taken.

The prayer is against inaction in considering and passing the order on the request of petitioners for mutation of names under the R.O.R. Act. Keeping in view the stand taken by the 2nd respondent, this Court is of the view that the inaction complained is unsustainable. As stated by the 2nd respondent, if the petitioners are so advised and entitled to, the petitioners can make application in accordance with law and the same will be considered and appropriate orders passed.

It is clarified that this Court has not considered the merits of the matter. As and when a request is made, the same has to be considered by the competent authority in accordance with law and on its own merits.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT, J

Date:18.08.2016
Stp