

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44667 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a direction to the 2nd respondent to conduct elaborate enquiry by giving notice to the petitioner and dispose of the mutation application filed by her on 31.05.2016 in respect of agricultural land in Sy.No.453 (453/AA/2) admeasuring Acs.2.00 situated at Eduloor (V), Kattanagur Mandal, Nalgonda District.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue for respondents 1 and 2. With their consent, the Writ Petition is disposed of at the stage of admission itself. There is no necessity to put respondent Nos.3 and 4 on notice since this Court is not venturing to adjudicate the case on merits.

The case of the petitioner, in a nutshell, is that she purchased the subject land from Nimmala Yadaiah & others under registered sale deed dated 04.05.2016. Thereafter, she filed an application before the 2nd respondent seeking mutation of land in her name vide application No.TTMU 021600772878 dated 31.05.2016, which was rejected by the 2nd respondent stating that in view of the orders passed in I.A.No.207/2013 in O.S.No.95 of 2006 by the Junior Civil Judge, Nakrekal, filed by R-3 herein for partition, mutation cannot be effected vide endorsement dated 26.10.2016. Aggrieved over the same, present writ petition is filed.

It is to be noted that when an application for mutation is made, the 2nd respondent is supposed to conduct an enquiry and pass a reasoned order. In the instant case, it appears that no such action was taken by the 2nd respondent. Further, in similar circumstances, this Court in W.P.No.43943 of 2016 allowed the Writ Petition at the admission stage and remanded the matter back.

In that view of the matter, the impugned endorsement dated 26.10.2016 is set aside and the matter is remanded to the 2nd respondent - The Tahasildar for conducting an enquiry on the application filed by the petitioner for mutation on 31.05.2016 pursuant to the property purchased on 04.05.2016 and pass appropriate orders therein, in accordance with law, after hearing the petitioner and other aggrieved persons, if any including the unofficial respondents herein, as early as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. No order as to costs. Miscellaneous petitions pending in this petition, if any, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 21.12.2016
sur