

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.21289 of 2016

ORDER:

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The case of the petitioners is that the father of the 1st petitioner by name, Mandala Chinna Rama Murthy, purchased Ac.108.36 cents under various registered sale deeds during the period 1943-1951 from the then Zamindar of Madugula. The 4th respondent-Tahsildar, Madugula Mandal, also issued declaration dated 04.04.2011 stating that the 1st petitioner is the owner and possessor of the subject land. The 5th respondent-Sri Radhakanthaswamy Vari Temple, Madugula, filed a suit in O.S.No.49 of 1957 against the 1st petitioner on the file of Subordinate Judge, Visakhapatnam, for declaration of title and the same was decreed on 28.07.1962. Aggrieved by the same, the 1st petitioner filed A.S.No.176 of 1962 and the lower appellate Court vide its order dated 16.07.1965 remanded the matter to the trial Court. Against the same, the 1st petitioner preferred C.M.A.No.42 of 1966 before this Court and by order dated 19.07.1965, this Court directed the lower appellate Court to dispose of the matter on merits. The lower appellate Court vide its order dated 01.05.1969 dismissed the appeal confirming the trial Court's decree dated 28.07.1962. Aggrieved by the same, 1st petitioner filed S.A.No.729 of 1969 before this Court. Meanwhile, proceedings under Section 15 of the Andhra Pradesh (AA) Estate Abolition and Conversion into Ryotwari Act, 1948 (for short 'the Act') were initiated by the Settlement Officer and patta

was granted in his favour under Section 11 of the Act. In S.A.No.729 of 1969, this Court vide judgment dated 30.09.1973 remanded the matter to the trial Court for fresh consideration. Again, the trial Court decreed the suit and against the same the 1st petitioner filed A.S.No.14 of 1973 and the lower appellate Court confirmed the decree passed by the trial Court vide its order dated 11.04.1977. Aggrieved by the same, the 1st petitioner filed S.A.No.459 of 1977 and a Division Bench of this Court vide order dated 17.12.1983 allowed the said S.A. holding that the suit is not maintainable and directed the trial Court to return the plaint and the same has become final. While so, part of the subject land also acquired by the Government for construction of Palagedda reservoir and compensation was also paid to him. The petitioners partitioned the properties under a registered partition deed dated 30.03.2013 and according to which the 1st petitioner got Ac.22.00 cents and petitioners 2 to 6 got Ac.15.24 cents each. Till 03.08.2015, the 1st petitioner's name appeared in Form-1B (ROR) (online entries in web page) and thereafter, his name was deleted in Pahanis on 10.01.2016 and the name of the 5th respondent was mutated. Therefore, he made applications on 11.01.2016 and 23.05.2016 to the 4th respondent, for rectification of the same. As no action has been taken by the respondents, the present Writ Petition is filed.

Heard the learned counsel for the petitioners, the learned Government Pleader for Revenue for respondents 1 to 4 and Smt.K.Lalitha, learned Standing Counsel for respondent No.5.

The learned counsel for the petitioners submits that without

issuing any notice, the name of the 1st petitioner was deleted and in his place the name of the 5th respondent was mutated, which is in violation of principles of natural justice. He further submits that no action has been taken on the applications of the 1st petitioner for mutation of his name basing on the partition deed. In support of his contentions, he relied on the decision of this Court reported in **Chinnam Pandurangam v. Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District**^[1].

Learned counsel for the 5th respondent submits that in pursuance of the applications made by the 1st petitioner, notice was issued to it and enquiry is pending.

Since enquiry is already initiated by the 4th respondent-Tahsildar on the applications of the 1st petitioner, this Court need not go into the merits of the case. It is for the 4th respondent to consider the applications of the petitioners after issuing notice to 5th respondent and take a decision in accordance with law.

In view of the same, the 4th respondent is directed to consider the applications dated 11.01.2016 and 23.05.2016, after issuing notice to the 5th respondent by taking into account the objections filed by it by considering the above facts and circumstances of the case and dispose of the same, within a period of six (6) weeks from the date of receipt of a copy of this order. Till then, *status quo* obtaining as on today shall be maintained by both the parties.

With the above directions and observations, this Writ Petition is disposed of. No costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

Date: 19-07-2016
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[\[1\]](#) 2007(6) ALT 134 (F.B.)