

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 35344 of 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the second respondent in making entries in the revenue records as illegal and arbitrary and consequently pass an injunction order restraining respondent Nos.3 and 4, who are private parties.

4. A perusal of the material placed on record would show that on 09.09.2015 the names of the petitioners were mutated in the records. Subsequently, in the year 2016, the entries came to be changed, by which the names of respondent Nos.3 and 4 were sought to be included by deleting the names of the petitioners in pahanis. The petitioners herein made a representation before the Mandal Revenue Officer on 04.07.2016, seeking cancellation of the mutation done in favour of respondent Nos.3 and 4. It is further stated that on 27.07.2016, an application was also made by the petitioners before the Revenue Divisional Officer for cancellation of mutation done in favour of respondent Nos.3 and 4. While things stood thus, respondent Nos.3 and 4 filed O.S.No.90 of 2016, basing on the online entries seeking injunction against the

petitioners. It is stated that no orders are passed in the above said representation. But the petitioners herein also gave a report before the Sub Inspector seeking action against the respondent Nos.3 and 4. That being the position, learned counsel for the petitioners mainly submits that representation dated 04.07.2016, made before the Mandal Revenue Officer be considered and appropriate orders may be passed by hearing the parties and till such time respondent Nos.3 and 4 may be restrained from interfering.

5. It is to be noted that insofar as interference by respondent Nos.3 and 4 are concerned, Civil Court is already ceased of the matter and no interim orders are passed in the said O.S.No.90 of 2016. That being the position, the question of giving any interim order restraining respondent Nos.3 and 4 may not arise at this stage.

6. The learned Government Pleader for Revenue states that these entries came to be made without any order being passed by any of the authorities.

7. Having regard to the circumstances stated above, the second respondent-Tahsildar, shall consider the representation dated 04.07.2016, made by the petitioners seeking cancellation of mutation made in favour of respondent Nos.3 and 4, in accordance with law, within a period of three weeks from the date of receipt of a copy of the order. It is needless to mention that the second respondent-Tahsildar shall give an opportunity of hearing the

petitioners and also respondent Nos.3 and 4, before passing any orders.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

20.10.2016,
Notice:
Issue CC tomorrow.
B/o.
vhh

