

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 41690 of 2016

ORDER:

Heard learned counsel for the petitioner 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 respondent No.4 in not considering the objections dated 22.10.2016 submitted pursuant to the proceedings in file No.MU021600890270, pending on the file of respondent No.4 and for continuation of the name of the petitioner in all land revenue records maintained by respondent No.4 in confirmation with pattadar pass book and title deed issued for the lands admeasuring Ac.0.23 guntas in Survey No.727 and Acs.2.17 guntas in Survey No.728 of Dhammapeta Revenue Village and Mandal of Khammam District inspite of pendency of civil suit in O.S.No.95 of 2015 on the file of the Court of Principal Junior Civil Judge at Sathupalli for adjudication, as illegal and arbitrary.

4. The averments in the affidavit filed in support of the writ petition would show that the petitioner is the absolute owner, possessor and enjoyer of the land admeasuring Ac.0.23 guntas and Acs.2.17 guntas in Survey Nos.727 and 728 of Dhammapeta Revenue Village and Mandal of Khammam District. The petitioner claims to

have obtained pattadar pass books and title deeds in respect of the aforesaid land from respondent No.4 after getting his name mutated in the revenue records. It is stated that when respondent No.6, without having any right tried to interfere with the possession, he filed O.S.No.95 of 2015 seeking injunction and obtained temporary injunction. Pending the said suit, respondent No.4 issued notice dated 28.09.2016 to the petitioner calling objections for mutation of the name of sixth respondent in the records maintained by respondent No.4. The petitioner claims to have submitted his objections on 22.10.2016 stating that respondent No.6 has no right, title, interest or possession over the property. It is the grievance of the petitioner that the authorities passed orders without considering the objections and without giving an opportunity of hearing the petitioner.

5. Learned Government Pleader for Revenue would submit that in case any objections are filed and if the proceedings are still pending, definitely the Tahsildar will consider the same and pass orders in accordance with law.

6. Recording the said statement, the Writ Petition is disposed of directing the Tahsildar-respondent No.4 to consider the objections of the petitioner and also the aggrieved persons, if any, before passing any orders in file No.MU021600890270, in accordance with law, if not already passed.

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

JUSTICE C. PRAVEEN KUMAR

01.12.2016,
vhb

