

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.39548 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India is preferred by the petitioners questioning the impugned proceedings in Proc.No.D/18999/2014 dated 20.12.2014 passed by the 3rd respondent ordering mutation of the name of the 4th respondent in revenue records.

Heard the learned counsel for the petitioners as well as the learned Assistant Government Pleader for Revenue for respondent Nos.1 to 3. With their consent, the writ petition is disposed of at the stage of admission itself. There is no necessity to put respondent No.4 on notice since this Court is not venturing to adjudicate the case on merits.

The grievance of the petitioners is that before effecting mutation, the procedure contemplated under Section 5 of the Act was not followed.

Learned AGP, on instructions, would submit that the petitioners have submitted an application before the Tahasildar seeking mutation. Pursuant to the same, Form-8 notices came to be issued calling for objections, to which an objection was raised by one Shyam Prasad, vendor of the R.4 herein. Having verified the records, it was found that the documents submitted by the petitioners were subsequent to that of the documents filed by R.4 herein and as such the authorities declined to consider the request of the petitioners vide endorsement dated 09.10.2014.

At this juncture, learned counsel for the petitioners would submit that the petitioners are unaware of said order as a copy of the same was not communicated to them.

In view of the rival submissions made, the Writ Petition is disposed of directing the 3rd respondent to communicate a copy of the order dated 09.10.2014 to the petitioners within a period of two weeks from the date of receipt of a copy of this order. It is always open to the petitioners to challenge the same, in accordance with law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

Date: 01.12.2016
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C. PRAVEEN KUMAR, J

