

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**MONDAY, THE TWENTY NINTH DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN**

Present

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38039 of 2012

Between:

Mandala RAji Reddy,
s/o. Venkata Krishna Reddy (Late)
Aged 63 years, Occ: Agriculture
R/o. Perapalli Village of Kamanpur Mandal,
Karimnagar District & another

.. Petitioners

AND

The Revenue Divisional Officer,
Manthani, Karimnagar District & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.38039 of 2012

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ORDER:

This writ petition is filed for a writ of *certiorari* for calling records pertaining to the 1st respondent in his proceedings No.A/471/2011, dated 04.10.2012, and quash the same in the interest of just.

2. The case of the petitioners is that the father of the petitioners late Mandala Venkata Krishna Reddy had agricultural lands in Survey Nos.24, 26, 27, 28, 29, 30, 31, 342/A, 21 and 22 of various extents, situated at Perapalli Village of Kamanpur Mandal. The petitioners and the husband of the 3rd respondent, Prakash Reddy, who died, are three brothers. The share of Prakash Reddy was settled between the petitioners and the 3rd respondent. The petitioners submit that in the above said lands, the 3rd respondent has no share and as such, after the death of their father, they got mutated their names in the revenue records as successors of Late Venkata Krishna Reddy. The petitioners further submit that on the representation given by the 3rd respondent, dated 01.07.2011, the Revenue Divisional Officer, Manthani, Karimnagar District (1st respondent), has passed an order, dated 04.10.2012, which is impugned in the writ petition. The 1st respondent stated in the impugned order that the lands held by Late Mandala Venkata Krishna Reddy, has to be divided among three sons equally and the Tahsildar, Kamanpur Mandal, Karimnagar District (2nd respondent) is directed to

issue the succession rights to the petitioners as well as the 3rd respondent equally and record the same in village records. Hence, the present writ petition is filed.

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

4. Learned counsel for the petitioners submits that the impugned order, dated 04.10.2012, was passed by the 1st respondent without notice to the petitioners. Learned counsel for the petitioners further submits that the share of the husband of the 3rd respondent was settled between the petitioners and 3rd respondent and the 3rd respondent does not have any share in the lands, which are the subject matter of the impugned proceedings.

5. Learned Assistant Government Pleader for Revenue has filed draft counter affidavit of the 2nd respondent. It is stated in the counter affidavit that the petitioners have not attended the enquiry before the 1st respondent to prove that the share of the husband of the 3rd respondent was settled between the petitioners and the 3rd respondent. It is further stated in the counter affidavit that the 3rd respondent, claiming her share in the properties left by her father-in-law, filed an appeal under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, before the 1st respondent on 01.07.2011 challenging the mutation orders of the Mandal Revenue Officer, Kamanpur. It is further stated in the counter affidavit that the 1st respondent issued notices to the petitioners for conducting enquiry in the matter, but the petitioners failed to appear before the 1st respondent. The 1st respondent passed the impugned order, dated 04.10.2012, cancelling the mutation order of the Mandal Revenue Officer, Kamanapur and directed the Tahsildar, Kamanpur

(2nd respondent) to mutate the subject lands equally in the name of the three sons.

6. Learned Assistant Government Pleader for Revenue states that a revision lies against the impugned order under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

7. In view of the above facts that the petitioners have an alternative remedy of revision against the impugned order, the petitioners can avail the same by filing the revision within a period of four (4) weeks from the date of receipt of copy of this order and the same can be disposed in accordance with law.

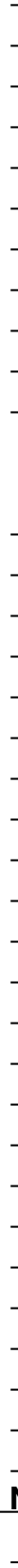
9. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 29th February, 2016

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date: 29th February, 2016

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