

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 43433 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 writ of Mandamus declaring the action of respondent No.4 in not implementing the order of respondent No.3 in File No.ROR Appeal No.A3/1585/2010, dated 26.02.2013, as illegal and arbitrary and consequently direct respondent No.4 to dispose of the representations dated 01.02.2016, 08.02.2016 and 19.02.2016 made by the petitioner seeking mutation of his name in ROR records forthwith'.

4. A perusal of the material on record would show that by an order dated 26.02.2013, respondent No.3 disposed of the appeal by suspending the pattadar pass books and title deeds issued in favour of one P.Ram Chandra Rao. Further, the parties were given liberty to approach the proper forum as per the verdict of the decision of the civil Court. It is also to be noted that on 18.09.2013, O.S.No.332 of 2005 which was filed for partition was dismissed as not pressed. Nearly 2 ½ years later, the petitioner is said to have presented an application dated 01.02.2016 seeking cancellation of pattadar pass books and title deeds granted in favour of said P.Ram Chandra Rao. The inaction of the respondents in not considering the representations dated 01.02.2016 and 18.02.2016 lead to filing of the present writ petition.

5. Learned Government Pleader for Revenue submits that no explanation has been given as to why there is delay for presenting the said applications.

6. There is no material placed on record to show as to whether order of the Civil Court or any other order was challenged by the petitioner.

7. Having regard to the above, the writ petition is disposed of directing the Tahsildar to enquire as to whether the order under appeal was challenged by the parties and also as to whether orders in O.S.No.332 of 2005 has become final or if any other miscellaneous applications are pending before any authority before acting on the said representations. After due verification of the circumstances referred to above, the Tahsildar shall consider the said representations in accordance with law and pass appropriate orders as early as possible, preferably within a period of three months, after hearing the petitioner and also all the aggrieved persons who are parties to the suit and appeal.

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

15.12.2016,
vhh