

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.32757 & 26323 OF 2017

Dated:05.10.2017

W.P.No.32757 of 2017

Between:

Gattamaneni Adhi Lakshmi, W/o. Naraimha
Rao, aged 62 years, Occ: Housewife,
R/o. Grandasiri Village, Atchempet Mandal,
Guntur District, Andhra Pradesh

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
O/o. Secretariat, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.32757 & 26323 OF 2017

COMMON ORDER:

The dispute in both the Writ Petitions concerns Ac.0.90 cents of land in Survey No.330/A of Grandasiri Revenue Village. Petitioner in W.P.No.26323 of 2017 (the 6th respondent in W.P.No.32757 of 2017) is the wife of late Ramaiah and the petitioner in W.P.No.32757 of 2017 (the 7th respondent in W.P.No.26323 of 2017) is the wife of Narasimha Rao, who is the son of late Ramaiah. According to petitioners, Ramaiah own land to an extent of Ac.0.90 cents, as briefly referred to above. After demise of late Ramaiah, Smt. G. Adhi Lakshmi, the petitioner in W.P.No.32757 of 2017 applied for mutation of her name in the revenue records contending that the subject property falls to the share of Narasimha Rao, who gifted the said property to her. Accepting the plea of the petitioner in W.P.No.32757 of 2017, her name was mutated in the revenue records by order dated 19.03.2015. Aggrieved thereby, petitioner (Smt. G. Vara Lakshmi) in W.P.No.26323 of 2017 submitted representation, dated 26.09.2016, contending that illegally mutation was made and that prior to undertaking the exercise of mutating the name of the petitioner in W.P.No.32757 of 2017 (Smt. G. Adhi Lakshmi), no notice was served on her and no opportunity was afforded to her and therefore, she submitted representation dated 26.09.2016. Alleging inaction on the said representation, W.P.No.26323 of 2017 is filed.

2. During the pendency of the said Writ Petition, acceding to the request of Smt. G. Vara Lakshmi, her name was mutated in the revenue records in the place of Smt. G. Adhi Lakshmi. Aggrieved thereby, Smt. G. Adhi Lakshmi, filed W.P.No.32757 of 2017.

3. Heard both sides.

4. Both the learned counsel respectfully submit that the subject property belongs to the petitioners and therefore mutation carried out was validly made in the respective names from time to time. Therefore, it is the contention of Smt. G. Vara Lakshmi that the name of Smt. G. Adhi Lakshmi cannot be reflected in the revenue records. On the contrary, it is the contention of Smt. G. Adhi Lakshmi that the name of Smt. G. Vara Lakshmi cannot be reflected in the revenue records.

5. At this stage, this Court is not inclined to go into the merits of the respective cases. Suffice to note that according to both the parties, when mutation was made on two occasions, the opposite parties were not put on notice and no opportunity was afforded to them before undertaking the exercise of mutating the respective names in the revenue records.

6. After making submissions, learned counsel for the parties agree that the matters be remitted to the Tahsildar for consideration of the issue afresh after affording due opportunity to both the parties. Learned Government Pleader for Revenue also fairly submits that in the facts of these two cases, it is just and proper to remit the matters to the Tahsildar for fresh consideration.

7. Having regard to these submissions, the Writ Petitions are disposed of remitting the matters to the Tahsildar, Atchempet Mandal, Guntur District, for consideration of the names of the petitioners in the revenue records in the place of late Ramaiah concerning the land to an extent of Ac.0.90 cents in Survey No.330/A of Grandasiri Revenue Village, Atchempet Mandal.

8. When mutation made on 19.03.2015 in favour of Smt. G. Adhi Lakshmi, Smt. G. Vara Lakshmi was not heard and when mutation made in the name of Smt. G. Vara Lakshmi, Smt. G. Adhi Lakshmi was not heard. In the facts of the case and in the interests of justice, this Court is of the opinion that the issue of reflection of the names in the revenue records should revert back to the position obtaining prior to 19.03.2015 i.e., to reflect the name of late Ramaiah. After consideration of the respective submissions, the Tahsildar shall undertake a fresh exercise of mutating the name in the revenue records. The Tahsildar is directed to fix a date of hearing by giving an advance notice to Smt. G. Adhi Lakshmi and Smt. G. Vara Lakshmi. It is open to Smt. G. Adhi Lakshmi and Smt. G. Vara Lakshmi to make their submissions in writing and to submit documents in support of their claim. It is also open to both the parties to make oral submissions, if so advised. After affording due opportunity for making their submissions, the Tahsildar shall consider their claim and pass orders in accordance with law and shall communicate the decision to both the parties by reasoned order. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:05.10.2017

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