

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19488 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 2nd respondent in issuing letter vide Lr.No.175/C/AIE/RCP/81/422 dt. 26.09.2016 by returning my application for Sub-division of plot.No.A2, Pettchin Tools, AIE, BHEL, Ramchandrapuram, and not mutate my respective partition part i.e A2/6 3rd part admeasuring open land 597.88 sq.yds, into my name is arbitrary and illegal and consequently direct the respondents to Sub-division of plot.No.A2, Pettchin Tools, AIE, BHEL, Ramchandrapuram and mutate my respective partition part i.e A2/6, 3rd part admeasuring open land 597.88 sq.yds, in my name as per the partition deed vide doc.no.16096/2006 dt. 04.07.2006.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Revenue and learned standing counsel for TSIIC respectively for the respondents from the oral instructions and perused the prayer in the writ petition with supporting affidavit.

3. As per the supporting affidavit, it is the contention that despite covered by registered partition deed, dated 04.07.2006, bearing document No.16096/2006 of actual division thereunder of land, demarcated by subdivision is not doing despite request.

4. There is no tenable submission from the oral instructions by the learned standing counsel as to why the subdivision cannot be done pursuant to the registered partition deed, leave about any other legal entitlement that subdivision will not otherwise confer any right other than i.e. covered by the right created under the sale deed No.4126/1990, dated 05.08.1990.

5. Having regard to the above, this writ petition is disposed of, directing the respondents to cause subdivision of the subject property pursuant to the registered partition deed supra, however, the petitioners shall submit the affidavit stating if there are no other legal heirs.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

12.07.2017

*Note: issue C.C. by tomorrow.
B/o.SS*