

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.10298 of 2017

ORDER:

Heard counsel for the petitioner, learned Government Pleader for Revenue appearing for the respondent Nos.1 to 4 and Sri R.Harish Kumar, learned counsel for 5th respondent.

2. Petitioner contends that he is the owner of the subject land and his name was also reflected in the pahani issued on 25-05-2016, but without notice to him, 4th respondent incorporated the name of 5th respondent in the 1-B Register issued on 02-11-2016.

3. Learned Government Pleader for Revenue as well as the learned counsel for 5th respondent state that 5th respondent had filed a suit O.S.No.173 f 2016 before the Junior Civil Judge, Kalyanadurgam for injunction against the petitioner. The petitioner remained *ex parte* and an *ex parte* decree was passed on 07-03-2017 and on the basis of the said decree, mutation was made with 5th respondent's name in the revenue record.

4. It is not denied by both the learned Government Pleader for Revenue as well as the learned counsel for 5th respondent that before effecting mutation of the name of 5th respondent in the 1-B Register and in the pahani in the place of the petitioner's name, no notice was given to the petitioner. Thus, there is clear violation of principles of natural justice.

5. Therefore, the mutation of 5th respondent's name in the place of the petitioner by 4th respondent is in violation of natural justice and therefore it is set aside. The 4th respondent is directed to issue notice to the petitioner as well as 5th respondent and then take appropriate decision on the mutation in accordance with law and communicate his decision to both parties within six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-11-2017
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