

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.3289 of 2006

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Revenue for respondent nos.1 and 2, and Sri K. Raghuvver Reddy, counsel for respondent nos.3 to 6.

2. One Gangula Mohan Reddy had four sons, viz., Gangula Anantha Reddy, Gangula Venkata Narayan Reddy, Gangula Vasudeva Reddy and Gangula Rameswar Reddy.

3. A partition suit O.S.No.92 of 1992 was filed before the District Munsif, Ramannapet, Nalgonda District for partition of an extent of Acs.176.16 guntas in various survey numbers of Volverthy Village, Valigonda Mandal, Nalgonda District.

4. A preliminary decree was passed on 12.03.1997 in the said suit. Final decree was also passed on 21.06.1999 and the Writ petitioner was allotted the following lands :

Sl.No.	Sy.No.	Pote No.	Extent	Nature	Situate
1.	195	2	Ac.0=17	Wet	Volverthy (V) Valigonda (M)
2.	196	2	0=21	Wet	-do-
3.	197	2	0=30	Wet	-do-
4.	198	Full	0=31	Wet	-do-
5.	199	Full	1=20	Wet	-do-
6.	202	Full	0=16	Wet	-do-
7.	389/2	2/3	1=22	Dry	-do-
8.	776	2	10=01	Dry	-do-
9.	777	2	8=24	Dry	-do-
10.	782	3	2=26	Dry	-do-
11.	783	2	6=03	Dry	-do-
12.	803	2	2=00	Dry	-do-
			Ac.35=11		

5. An attempt to set aside the preliminary decree and final decree failed when I.A.No.180 of 2000 filed by respondent nos.3 to 6 herein was dismissed by Junior Civil Judge, Ramannapet on 17.11.2003.

6. Subsequently, the respondent nos.3 to 6 approached the 2nd respondent on 07.05.2004 stating that Gangula Rameswar Reddy had agreed to give properties allotted to him in the partition to them since their father Gangula Anantha Reddy died, and to affect mutation in accordance with the said request.

7. Thereupon, a notice dt.07.08.2004 was issued by 2nd respondent to conduct enquiry into the matter and consider the request dt.07.08.2004 by respondent nos.3 to 6.

8. Assailing the same, this Writ Petition has been filed by Writ petitioner apprehending that the 2nd respondent would alter the revenue entries with regard to the lands allotted to him in the final decree, and that 2nd respondent is not entitled to do so in the light of the final decree passed by the Civil Court allotting the above referred lands to him.

9. Counter-affidavit has been filed by 2nd respondent stating that Gangula Rameswar Reddy, the paternal uncle of respondent nos.3 to 6, had appeared in the enquiry before the 2nd respondent and gave a letter to 2nd respondent relinquishing his share in respect of lands allotted to him in the final decree passed in O.S.No.92 of 1992 in their favour, and that he does not have any objection for mutation of the

lands allotted to him in the said final decree to respondent nos.3 to 6.

It is further stated that in accordance with the said request, on 21.03.2005, the lands of late Gangula Anantha Reddy and Gangula Rameswar Reddy were mutated in the names of respondent nos.3 to 6 as regards the shares allotted to the said persons in the final decree passed in O.S.No.92 of 1992. It is asserted that the action of 2nd respondent did not in any way affect or alter the mutation in respect of the lands allotted to the Writ petitioner in the final decree passed in O.S.No.92 of 1992.

10. This stand of the 2nd respondent is corroborated by Sri K. Raghuveer Reddy, counsel appearing for respondent nos.3 to 6.

11. In this view of the matter, I am of the opinion that since the 2nd respondent has only passed orders in respect of the lands allotted towards the share of late Gangula Anantha Reddy and Gangula Rameswar Reddy and has not in any way touched the lands allotted to the Writ Petitioner in the final decree passed in O.S.No.92 of 1992, the petitioner cannot be said to be aggrieved by the action of 2nd respondent.

12. Accordingly, the Writ Petition is disposed of, declaring that the mutation proceedings issued by 2nd respondent on 21.03.2005 do not in any way affect the right of petitioner for the lands allotted to his share in the final decree passed in O.S.No.92 of 1992 by the Junior Civil Judge, Ramannapet, Nalgonda District. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-01-2017

Ndr/*

