

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.251 of 2010

ORDER :

This Writ Petition is filed by petitioner assailing the proceedings dt.21-11-2009 in proceedings No.A/4661/2006 of the Deputy Collector and Tahsildar, Saroornagar Mandal, Ranga Reddy District.

2. The petitioner and others filed an application on 24-08-2006 under Rule 14 of the Andhra Pradesh (Andhra Area) Tenancy and Agricultural Lands Rules, 1951 seeking mutation of their names in the place of the original Protected Tenant after duly granting succession and also sought restoration of possession to them under Section 32 of the said Act. In the said application, the petitioner and others contended that Chakali Balaiah @ Mutyala Balaiah was the Protected Tenant and they are his successors.

3. Respondent Nos.2 and 3 and others opposed the said application contending that the Protected Tenant is not Chakali Balaiah @ Mutyala Balaiah but Budumala Balaiah. They also claimed to have obtained judgment dt.12-11-2008 in O.S.No.882 of 2008 of the II Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar, Hyderabad that they are the legal heirs of said Budumala Balaiah.

4. By order dt.21-11-2009, the Deputy Collector rejected petitioner's application stating that he perused the records pertaining

to the survey numbers mentioned in the application of petitioner and others and that his perusal revealed that the name of Budumala Balaiah was recorded as Protected Tenant in respect of the land in Sy.Nos.67, 68, 110, 111, 112, 146 and 147 of Jalpally village.

5. Learned counsel for petitioner contends that no mention is made about what records the Deputy Collector has seen to come to the conclusion that Budumala Balaiah was the Protected Tenant. He also contends that Khasra Pahani would reveal that Chakali Balaiah @ Mutyala Balaiah, the ancestor of petitioner and others, is the Protected Tenant. According to him, the decree obtained by respondent Nos.2 and 3 is of no avail because Budumala Balaiah is not the Protected Tenant.

6. Sri K.Ratna Sagar, learned counsel appearing for respondent Nos.2 and 3 refuted the above contentions and contended that the findings recorded by the Deputy Collector is correct and that Budumala Balaiah was rightly recognized by the Deputy Collector as the Protected Tenant.

7. Learned Government Pleader for Revenue appearing for respondent Nos.1 and 4 also supported the order passed by the Deputy Collector.

8. Since the order passed by the Deputy Collector does not indicate what records he has perused to come to the conclusion that the Protected Tenant is Budumala Balaiah and not Chakali Balaiah @ Mutyala Balaiah, and since petitioner is contending that Khasra

Pahani would indicate that the Protected Tenant is Chakali Balaiah @ Mutyala Balaiah only, in the interest of justice, the impugned order is set aside and the matter is remitted back to the 4th respondent.

9. The 4th respondent shall conduct a fresh enquiry after giving notice to petitioner as well as respondent Nos.2 and 3, receive whatever material evidence they produce in support of their respective claims, peruse the Protected Tenant register and Khasra Pahani for the year 1954-55 and other Revenue records and then pass a reasoned order within three (03) months from the date of receipt of a copy of this order.

10. The Writ Petition is disposed of with the above directions. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-04-2017

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