

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.7000 of 2004

ORDER

Heard learned counsel for petitioner, learned Government Pleader for respondents 1 and 2 and learned counsel for respondents 3 to 7.

2. The petitioner, who claims to be the only son to his parents, states that his father had purchased four items of properties from various vendors and entered into agreements of sale in respect of the land of an extent of Ac.0.53 cents, Ac.0.47 cents, Ac.0.53 cents and Ac.0.46 cents in Sy.Nos.87/7, 87/6, 87/3 and 87/4 respectively, situated in Daminedu Revenue Village and that two sale deeds were executed on 23.10.2003 and other two were on 27.10.2003. After purchase of said properties in October, 2003, the petitioner submitted an application to the second respondent on 02.12.2003 to survey the land and fix the boundaries. He paid the requisite fee also. But, he came to know that the second respondent passed an order dated 16.02.2004 mutating the names of respondents 3 to 6 in respect of the property purchased by him as well as two other items. Challenging the said order, the present writ petition is filed.

3. Learned Government Pleader for respondents 1 and 2 submits that though the application of petitioner was received on 08.12.2003 in respect of the land purchased by him, the survey work could not be completed as he was not available at the time of field inspection. However, when respondents 3 to 6 submitted an application on 12.01.2004 for mutation of the revenue records,

action was initiated after conducting field inspection, local enquiry and preparation of subdivision by the Mandal Surveyor.

4. Learned counsel for respondents 3 to 7 submits that respondents 3 to 7 had purchased the lands during 1967 to 1985 and the details were given in the impugned order, which was passed only in recognition of the purchases made by them during that period.

5. In the light of the above rival contentions, this Court cannot decide the rights of the parties. But the present dispute is confined only to the mutation of the names as stated above. Pursuant to the application made by petitioner, no action was taken by the second respondent, whereas consequent to the application submitted by respondents 3 to 6, order for mutation was effected. In the circumstances, the aggrieved parties have to go to the civil Court and settle their rights and the mutation already effected would be subject to the decision of the civil Court with regard to the title of the parties as the land claimed by the petitioner as well as the land mutated in favour of respondents 3 to 6 is overlapping.

6. Accordingly, the Writ Petition is disposed of, giving liberty to the petitioner to take appropriate civil proceedings in accordance with law, if he is so advised. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

4th July, 2017

sj