

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30067 OF 2017

DATED : 06.09.2017

Between :

Gone Srikanth Reddy S/o.Gone Buchi Reddy,
Aged about 31 yrs, Occu : Pvt. Service,
R/o.H.No.2-2-161. Upparpally Village,
GHMC Rajendranagar Circle,
Ranga Reddy District, T.S. & another.

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Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners claim to be the absolute owners and in possession of land to an extent of Ac.0-13 guntas in Sy.No.43/A, situated at Hyderguda Village, GHMC Rajendranagar Circle, Ranga Reddy District. Petitioners claim to have acquired the said property by way of registered gift deed, dated 31.08.2016 executed by their father, who was the absolute owner of the said property. On noticing certain errors took place with regard to the schedule property, a Rectification deed was also executed on 29.11.2016. In terms of the gift deed executed in favour of the petitioners, they have also applied to the Tahsildar, Rajendra Nagar Mandal, Ranga Reddy District, to mutate their names in the revenue records. The brothers of the father of the petitioners filed objections contending that the gift deed was not validly executed and the claim for mutation of names of the petitioners based on the said gift deed is not valid. However, the Tahsildar came to know that O.S.No.1413 of 2016 is pending on the file of III Additional District Judge, Ranga Reddy District and in view of the same he was not inclined to accept the prayer of the petitioners for mutating their names in the revenue records.

3. Learned counsel for the petitioners fairly submits that petitioners instituted O.S.No.1413 of 2016 for declaration of title and perpetual injunction and in the said suit an injunction was granted in favour of the petitioners. It is thus clear that with

reference to the title dispute, suit is pending before the competent Court. Thus, the Tahsildar took note of the pending suit and injunction order granted therein, albeit in favour of the petitioners, and refused to enter their names in the revenue records.

4. Since suit is pending and the claim is on the title to the property, I do not see any error in the decision of the Tahsildar refusing to mutate their names in the revenue records at this stage. Furthermore, suit was instituted by the petitioners and the same is pending. It is always open to the petitioners to work out their remedies as available in law, in the pending suit vis-à-vis the rival claims. Furthermore, aggrieved by the decision of the Tahsildar, in refusing to mutate the names of the petitioners in the revenue records, petitioners have remedy of appeal as provided under the A.P. Rights in Land and Pattedar Pass Books Act 1971, and the said remedy is not availed.

5. On this issue, learned counsel for the petitioners sought to contend that since no opportunity was given to the petitioners before giving such endorsement, petitioners need to avail the remedy of appeal.

6. It is seen from the notice impugned in the writ petition that the refusal is not on the ground of objections filed, but it is on the ground of pending suit. Merely because notice was not given before taking decision would not vitiate the decision as admittedly suit is pending. Therefore, on that ground, the order cannot be nullified. Whenever there is litigation pending before the competent Court, the revenue authorities should desist from taking decision and await the decision of the competent Court on the disputed property.

7. Having regard to the above findings the Court is not inclined to entertain the writ petition, at this stage.

8. Thus, leaving it open to the petitioners to work out their remedies as available in law, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

6th September 2017
Rds

P.NAVEEN RAO,J

