

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**W.P.NO.7803 OF 2017**

**ORDER**

The claim of the petitioner is that he along with his brothers, is the owner of the subject land having purchased the same under registered sale deeds from the father of the 3<sup>rd</sup> respondent and their names were also mutated in the revenue records. However, the 3<sup>rd</sup> respondent along with his brother filed appeal before the Revenue Divisional Officer against the mutation of the name of the petitioner and his brothers in Appeal No.916/2001 and the same was dismissed and the further revision to the Joint Collector also ended in dismissal by order dated 19.1.2009. However, the 3<sup>rd</sup> respondent filed O.S.No.91/2011 on the file of Senior Civil Judge, Nagarkurnool seeking declaration of title and recovery of possession of the subject land. By order dated 19.6.2014 the suit was decreed ex parte. The petitioner filed I.A.No.388/2015 in O.S.No.91/2011 for setting aside the said ex parte decree. The grievance of the petitioner is that pending his I.A. for setting aside the ex parte decree, the 3<sup>rd</sup> respondent approached the 2<sup>nd</sup> respondent – Tahsildar for implementation of the ex parte decree for mutation of their names in the revenue records, and he issued notice in file No.B/1121/2016. Aggrieved by the same, the present writ petition is filed.

Heard the counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

From the above facts, it could be seen that it is only notice issued by the 2<sup>nd</sup> respondent. It is always open for the petitioner to raise all the

objections available under law and the 2<sup>nd</sup> respondent is obligated to consider the same and dispose of the application filed by the 3<sup>rd</sup> respondent in accordance with law.

Since the writ petition is filed against the show cause notice, and as it is open for the petitioner to file objections to the same, I am not inclined to entertain the writ petition and the same is dismissed at the stage of admission. No costs.

Miscellaneous petitions pending if any, shall stand closed.

-----  
**A.RAJASHEKER REDDY,J**

DATE:07—03—2017

AVS

