

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 501 of 2017

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of the petitioners and learned Government Pleader, the writ petition is disposed of at the admission stage. Since this Court is not going into merits of the case, it may not be necessary to issue notice to respondent Nos.3 and 4.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent No.2 in trying to mutate the names of respondent Nos.3 and 4 and thereby issuing pattadar pass books and title deeds in respect of lands in Survey Nos.87/ RU admeasuring Ac.1.20 guntas in Survey No.88/ OO, admeasuring Ac.0.08 guntas in Survey No.61/ 1/ A admeasuring Ac.1.00 guntas and Survey No.88/ OO admeasuring Ac.0.28 guntas situated at Khalelpur Village, Nyakal Mandal, Sanga Reddy District, without issuing any notice and without following the procedure prescribed under Rights in Lands and Pattadar Pass Books Act, 1971 and without considering the application dated 20.12.2016, as illegal and arbitrary.

3. The averments in the affidavit filed by the petitioners would show that one Chandraiah claims to be possessor and enjoyer of the ancestral properties along with the petitioners and respondent Nos.3 and 4 in respect of lands in Survey Nos.61/ 1/ A admeasuring Ac.1.00, 88/ O admeasuring Ac.0.36 guntas, 88/ OO admeasuring Ac.0.37 guntas and 87/ RU admeasuring Ac.1.20 guntas totaling Acs.4.13 guntas situated at Khaleelpur Village, Nyakal Mandal, Sanga Reddy District for the last several years. It is stated that the said Chandraiah had three sons i.e. Srinivas, Ashok and Prabakar. Subsequent to the death of said Srinivas, the first petitioner acquired and possessed land in Survey

No.87/ RU admeasuring Ac.1.20 from the ancestral property. While things stood thus, on 19.12.2016 the first petitioner came to know that said Chandraiah registered the properties in Survey Nos.87/ RU, 61/ 1/ A, 88/ O admeasuring Ac.1.28 guntas each in favour of respondent Nos.3 and 4 and that they purchased the same vide registered sale deeds Doc Nos.1552/ 2016 and 1553/ 2016 dated 27.10.2016 to mutate their names in revenue records and issued pattadar pass books and title deeds. Subsequently, on 20.12.2016, the first petitioner made an application to respondent No.2 bringing to his notice about their share over the ancestral property and the Tahsildar immediately forwarded the application to the concerned VRO for enquiry. It is the grievance of the petitioners that respondent Nos.3 and 4 with the help of respondent No.2 are trying to mutate their names in revenue records, without following due process of law and without passing any orders on the application dated 20.10.2016 made by the petitioners. Hence, the present writ petition.

4. It is the grievance of the petitioners that respondent Nos.3 and 4 have no right over the property in dispute. But, inspite of the same, the respondent-authorities are trying to mutate the names of respondent Nos.3 and 4 and also issuing pattadar pass book and title deed in their favour.

5. Having regard to the above, the respondent-authorities shall take into consideration the objections raised by the petitioners before mutating the names of the unofficial respondents or the petitioners in revenue records.

6. Accordingly, the writ petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No costs.

05.01.2017
vnb

JUSTICE C. PRAVEEN KUMAR