

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 22728 of 2017

Order:

Heard learned Senior Counsel for the petitioners and learned Government Pleader for the respondents 1 to 3. In view of the nature of disposal of the present Writ Petition the notice to the respondents 4 and 5 is not issued.

The petitioners claim that they are the absolute owners and possessors of agricultural land of an extent of Ac.3.13 gts., in Survey No.31, situated at Dasnapur village, (now Mavala Mandal), Adilabad district. It is the claim of the petitioners that they purchased the land through a registered sale deed dated 28.10.2015. They state that they submitted an application for mutating their names in the pattadar passbooks and title deeds, but when no action was taken another application was filed on 04.04.2016 along with Form No.6-A and again when no action was taken they filed Writ Petition No.31744 of 2016. The said Writ Petition was disposed of on 21.09.2016 directing the third respondent to consider the application of the petitioners dated 04.04.2016 within four weeks. The petitioners submitted yet another application on 04.11.2016 along with the order of this Court dated 21.09.2016 for issuance of pattadar passbooks and title deeds. While so, the third respondent issued a notice on 09.12.2016 alleging that the fourth respondent filed an application on 19.11.2014 for mutation of his name in respect of the land of an extent of Ac.3.05 gts., in the same survey number. It came to light that the fourth respondent purchased the land on 02.08.1986, but the fourth respondent is not in possession of the land. The land continued to be in the name of the legal heirs of the original land

owner, Laxma Reddy. The fifth respondent also claims to have purchased the same land purchased by the fourth respondent under an agreement of sale dated 19.01.1994 and he also sought mutation of his name. When the third respondent was trying to interfere with the possession of the land, the first petitioner filed W.P.No.12130 of 2016 and this Court directed the respondents not to interfere with the same by order in WPMP No.15204 of 2016 dated 11.04.2016. Ultimately, the third respondent passed an order on 08.03.2017 rejecting the request of the petitioners and challenging the same, the petitioners filed WP No.8733 of 2017 and the same was disposed of on 15.03.2017 directing the second respondent to whom the appeal was preferred to dispose of the stay petition or appeal filed by the petitioners within six weeks from the date of receipt of a copy of the order and till then *status quo* obtaining as on that date shall be maintained regarding entries in the revenue records. When the second respondent dismissed the appeal, by order dated 01.07.2017, confirming the order of the Tahsildar dated 08.03.2017, the present Writ Petition is filed.

Learned Senior Counsel appearing for the petitioners submits that the second respondent confirmed the order of the third respondent without giving any reasons by merely recording the contentions of both the parties.

Though the order of the second respondent states that after going through the facts and circumstances of the case in the foregoing paras he does not find any reason to interfere with the orders of the Tahsildar dated 08.03.2017 and accordingly dismissed the appeal preferred by the petitioners, in view of the availability of a remedy of revision, this Court is

not inclined to go into the merits of the case or examine the validity of the order passed by the second respondent.

In the circumstances, this Writ Petition is disposed of giving liberty to the petitioners to file a revision before the competent authority within a period of thirty (30) days from the date of receipt of a copy of this order and in view of the earlier order of this Court, *status quo* with regard to entries in the revenue records shall be maintained till the disposal of the revision to be filed by the petitioners. If no revision is filed within thirty (30) days, it is open to the parties to work out their remedies in accordance with law. There shall be no order as to costs.

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

Date: 11.07.2017
Nsr

A. RAMALINGESWARA RAO, J

