

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35288 OF 2017

DATED : 25.10.2017

Between :

Md.Ghouse S/o.Shaik Mogulam Sab,
Aged about 50 yrs, Occu : RTC driver,
R/o.Brahmanapally, Madgula Mandal,
Ranga Reddy District (Earlier Mahabubnagar District) & others.

.. Petitioners

And

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

... Respondents



This court made the following :

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ORDER :

Petitioners are aggrieved by mutation of the name of 5th respondent in the revenue records over the land to an extent of Ac.0-30 guntas in Sy.No.191/176 of Brahmanapally Village Sivar, Madugula Mandal, Ranga Reddy District. Aggrieved by the alleged mutation granted in favour of the 5th respondent, petitioners claim to have filed an appeal on 09.10.2015. Contending that the said appeal is not disposed of so far, this writ petition is filed.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioners contend that due procedure was not followed before undertaking the mutation and soon after petitioners came to know about the mutation, they filed appeal before the Revenue Divisional Officer (RDO), Mahaboobnagar and the RDO cannot keep the appeal pending so long causing undue hardship and suffering to the petitioners.

4. Learned Assistant Government Pleader sought to contend that the application is not accompanied by required fee. Therefore, the same cannot be treated as an appeal.

5. The endorsement in the appeal claimed to have been filed by the petitioners would show that the office of the RDO has acknowledged the appeal filed by the petitioners.

6. If that is so, the RDO cannot keep quiet. He ought to have considered the appeal and suitable reply ought to have been given even on the issue of maintainability of such application/appeal.

7. Thus, without expressing any opinion on merits and reserving all the defences to the 5th respondent, the Writ Petition is disposed of, directing the Revenue Divisional Officer to examine the appeal dated 09.10.2015 filed by the petitioners and pass appropriate orders, as warranted by law. He shall cause notice on the 5th respondent and afford due opportunity to both parties before taking a decision. The entire exercise shall be completed and appropriate orders be passed within a period of three (3) months from the date of receipt of copy of this order. There shall be no order as to costs.

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

25th October 2017

Note : Issue c.c., in one week
B/o.
Rds

P.NAVEEN RAO,J