THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35757 OF 2017

DATED : 26.10.2017

Between :

Kondru Prasada Rao S/o.Late Sri Ramulu,
Aged 57 yrs, Caste : Schedule Tribe,
Occu : Agriculture, R/o.H.No.1/136, Hanuman Nagar,
Sathupalli Village and Post, Khammam District.

.. Petitioner

And

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

.. Respondents

This court made the following :

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ORDER :

Heard.

2. Petitioner alleges that he owns land in different survey numbers as mentioned in the prayer sought in the writ petition. Petitioner alleges that though in the revenue records, name of the petitioner is already reflected, the Tahsildar is trying to change the name in the revenue records and enter the name of respondents 5 and 6. Petitioner alleges that on 16.10.2017, an application was submitted by the respondents 5 and 6 to mutate their names in the revenue records and the Tahsildar is entertaining the said application and undertaking alteration in the revenue records without following the due procedure.

3. Learned counsel for the petitioner states that having coming to know of such application, petitioner has also filed his objections. But without considering the objections, steps are being taken to mutate the names of respondents 5 and 6 causing undue hardship and suffering.

4. The facts as narrated in the affidavit filed in support of the writ petition and as briefly noted above, as of now, no decision is made by the Tahsildar. Petitioner on apprehension has filed this writ petition. In other words, the present writ petition is in the form of pre-emptive litigation to prevent the authorities from taking decision in accordance with the procedure envisaged by the A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act').

5. It is not in dispute that the Act vests powers in Tahsildar to undertake mutation/correction in the revenue records/carrying out amendment to the existing entries. Any person who has valid claim is entitled to make application and it cannot be expected that the revenue authorities will not follow the procedure as required, to undertake corrections in the revenue records, warranting interference by this Court at this stage.

6. Hence, the writ petition is liable to be dismissed as pre-mature. Accordingly, it is dismissed. There shall be no order as to costs.

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

P.NAVEEN RAO,J

26th October 2017
Rds