

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.540 OF 2018

ORDER:

Heard Sri K.G.Krishna Murthy, learned Senior Counsel appearing for the petitioners, and the learned Government Pleader for Revenue appearing for the respondents.

2. Even after granting time on 19.01.2018, learned Government Pleader could not get instructions with regard to mutation of names of the petitioners in the revenue records and in view of the same, this Court is constrained to dispose of the present Writ Petition on the basis of averments made in the affidavit filed in support of the Writ Petition.

3. It is the case of the petitioners that the land to an extent of Ac.2.50 cents in Survey No.140/1C of Kothapalem Village originally belonged to the Government and it was classified as 'Assessed Waste Dry'. Subsequently, the said land was assigned in favour of one V.Bhaskar Reddy of Guravarajupalle Village on 12.04.1985 on his application. Similarly, an extent of Ac.3.00 cents situated in Survey No.140/1B was assigned in favour of one Y.Savithramma by proceedings, dated 12.04.1985. Likewise, an extent of Ac.4.00 cents situated in Survey No.140/1A was assigned in favour of one M.Yasodamma by proceedings, dated 12.04.1985. The said assignees availed agricultural loans from Vedullacheruvu PACS and could not repay the loans. The properties were put to auction and they were purchased by the petitioners. The first petitioner purchased an extent of Ac.2.50 cents situated in Survey No.140/1C, whereas one B.Swaroop Kumar Reddy purchased an extent of Ac.3.00 cents situated in Survey N.140/1B. The said B.Swaroop Kumar Reddy executed a Gift Deed in favour of the second petitioner. One Veeraraghava Reddy purchased an

extent of Ac.4.00 cents in Survey No.141/1A in the open auction conducted on 18.02.1999. It appears that the third petitioner subsequently purchased the said property on 07.12.2001. All the three petitioners are members of the joint family and children of one B.Harinatha Reddy. The petitioners have been in possession of above lands from the dates of their purchase. They submitted an application for mutation of their names in the revenue records and when no action was taken, they filed W.P.No.16184 of 2007 before this Court and this Court disposed of the same on 31.07.2007 directing the respondents to consider the request of the petitioners by receiving applications in Form-6A. Accordingly, the petitioners submitted their applications in Form-6A before the fifth respondent and in spite of the same, the fifth respondent has not taken any action. In the circumstances, the present Writ Petition is filed.

4. Learned Senior Counsel appearing for the petitioners submitted that though the lands are originally assigned lands, in view of its mortgage to Co-operative Society, which sold the land in public auction, the nature of land changes and the purchasers of the property in public auction gets full rights as held by this Court in **Sub-Registrar and another v. K.Guravaiah**¹. The said position is not disputed by learned Government Pleader. In spite of clear possession of above lands by the petitioners, the fifth respondent is not taking any action for mutation of their names in the revenue records.

5. In view of the undisputed facts in the instant case, this Writ Petition is disposed of directing the fifth respondent to consider the applications filed by the petitioners for mutation of their names pursuant to purchase of subject property in the open auction

¹ 2009 (2) ALD 250

conducted by the Cooperative Society and pass appropriate orders in accordance with law within a period of thirty (30) days from the date of receipt of a copy of this order. At this stage, learned Senior Counsel appearing for the petitioners submitted that the petitioners would reserve the right to take appropriate action with regard to registration of the documents as and when fresh cause of action arises.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JANUARY 30, 2018
YVL

A.RAMALINGESWARA RAO, J



THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.540 OF 2018

Date:30.01.2018

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