

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3059 of 2018

ORDER:

This Writ Petition is filed challenging the action of respondent No.2 in not considering the objections of the petitioner, dated 23.11.2017 and not giving an opportunity of hearing to him before taking up mutation proceedings and entertaining the applications filed by respondents 6 to 21 with regard to land admeasuring 1.09 guntas (49 guntas) in Survey No.1283/E, situated in SFS School, Korutla Shivar, Jagtial District.

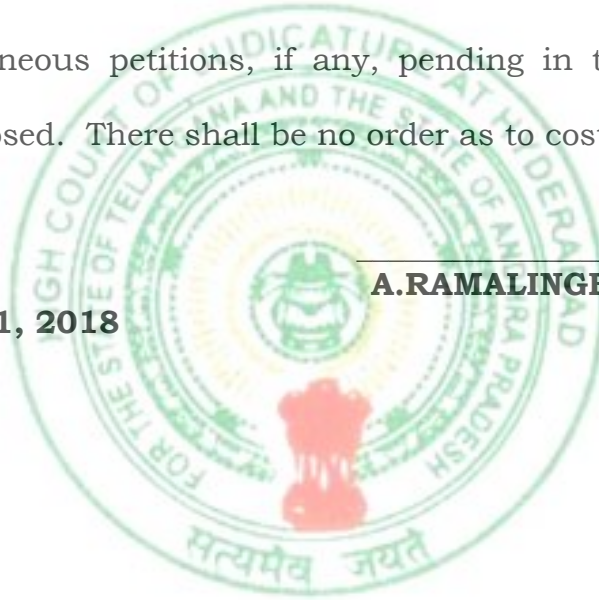
2. The case of the petitioner is that the petitioner and respondents 3 to 5 are the joint owners of land to an extent of 1.09 guntas (49 guntas) in Survey No.1283/E of Korutla Shivar, Jagtial District. While so, third respondent sold the entire land depriving the petitioner's share. In view of the same, the petitioner filed O.S.No.16 of 2017 on the file of II Additional District Judge, Karimnagar at Jagtial for partition and for declaring the Sale Deeds as null and void. Now, when respondents 6 to 21 applied to the second respondent for mutation of their names by virtue of Sale Deeds executed in their favour, the petitioner filed objections on 23.11.2017 bringing to his notice about pending of aforesaid suit and lack of title of the third respondent to sell the entire land in favour of respondents 6 to 21. In spite of the same, now it is alleged that the second respondent is going ahead with mutation of names of respondents 6 to 21 and the present Writ Petition is filed seeking a direction to the second respondent not to take up the mutation proceedings without considering the objections filed by the petitioner on 23.11.2017.

3. As on today, no proceedings were issued by the second respondent mutating the names of respondents 6 to 21 and no cause of action arose as on today. When the petitioner brought to the notice of the second respondent with regard to pending proceedings and the lack of title to third respondent, it is for the second respondent to exercise his discretion and take action in accordance with law. This Court cannot decide or presume the action that is going to be taken by the second respondent. In the light for above facts, the present Writ Petition, at this juncture, is not maintainable and accordingly, the Writ Petition is dismissed.

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

FEBRUARY 01, 2018
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A.RAMALINGESWARA RAO, J



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Date: 01.02.2018

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