

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.6717 of 2018

Order:

This Writ Petition is filed challenging the action of the first respondent in not considering the applications of the petitioners dated 05.06.2016 Application No.MUO-11602428784, dated 20.06.2016 Application No.MUO-11602492286, dated 05.06.2016 Application No.MUO-11602428811 and dated 05.06.2016 Application No.MUO-11602428792 respectively for mutation and to grant E-Passbooks.

When the matter was adjourned, learned Government Pleader got written instructions from the Tahsildar, Bhimadole mandal, stating that there were civil suits pending in O.S.No.343 of 2004 on the file of the Additional Senior Civil judge, Eluru, and O.S.No.181 of 2014 on the file of the Principal Junior Civil Judge, Eluru. However, the applications of the petitioners were considered and the same were rejected on 18.07.2016 in view of the pendency of civil suits. The second petitioner filed another representation on 20.06.2016 for mutation in Mee-seva and the same was accepted. But, the first petitioner has not applied through Mee-seva. It appears that the petitioners filed W.P.No.29830 of 2017 for rejecting the applications for digging fish tank and when the matter was pending they have leased out the land and dug fish tank unauthorisedly.

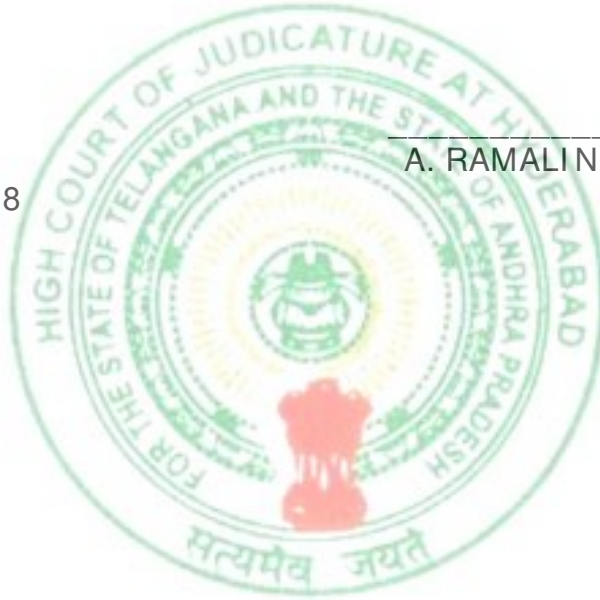
The applications of the petitioners cannot be rejected on the ground of pendency of civil suits unless the competent Civil Court directs the first respondent not to take any action. In the absence of any injunction granted by the Civil Court or by this Court, it is incumbent on the first respondent to consider the applications filed by the petitioners in accordance with law and pass appropriate orders.

Since the rejection order was passed only on the ground that the civil suits were pending, the said order is set aside and the first respondent is directed to consider the applications independently without reference to the pendency of civil suits and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. 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: 14.03.2018  
Nsr



A. RAMALINGESWARA RAO, J