

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.8814 OF 2018

ORDER:

In view of the nature of disposal of the present Writ Petition in the manner indicated below, the notices to respondents 3 to 5 are dispensed with.

The case of the petitioner is that the 3rd respondent is her mother and respondents 4 and 5 are her brother and sister. Their family is holding an extent of Ac.39.16 guntas in Survey Nos.360, 362, 363, 364, 365, 367, 368, 369, 370, 372, 373, 374, 375, 376, 378, 380, 382 and 383 situated at Mudumpally village, Bibinagar Mandal, Nalgonda district. The said properties are their ancestral properties. After the death of their grand father, they succeeded to the said properties. She filed O.S.No.197 of 2006 on the file of the Senior Civil Judge, Bhongir against the respondents 3 to 5 for partition and separate possession of the said properties and a decree was passed on 26.4.2013. Challenging the said decree, the respondents 3 to 5 filed A.S.No.935 of 2013 and the same is pending before this Court. This Court, in ASMP.No.2725 of 2013, on 1.12.2015, granted an order staying all further proceedings except passing of the final decree. Now, final decree proceedings are pending. While so, when the

respondents 3 and 4 were trying to get their names mutated in the revenue records, the petitioner raised objection through her counsel on 29.1.2018 not to entertain the application for mutation when the property is subject matter of a pending civil litigation. However, when the 2nd respondent is going ahead with the further action pursuant to the application filed by the respondents 3 to 5, the present Writ Petition is filed.

There is no dispute that the 2nd respondent is the competent authority to consider the applications filed by the persons for mutation of entries in the revenue records and the petitioner also raised her objections pursuant to the application filed by the respondents 3 to 5. In such circumstances, this Court is not inclined to interfere with the jurisdiction of the 2nd respondent but if the 2nd respondent wants to take further action pursuant to the application filed by the respondents 3 to 5, he shall issue appropriate notice to the petitioner before taking final action.

In view of the same, this Writ Petition is disposed of directing the 2nd respondent to consider the objections filed by the petitioner for taking further steps pursuant to the application filed by the respondents 3 to 5 for mutation of entries in the revenue records

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 16.3.2018

KPM

