

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13065 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to pass an order or orders or writ particularly one in the nature of a Writ of Mandamus, declaring the order of the 2nd respondent in Appeal Case No.B/ROR/7914/2011 dated 3.3.2018 against the dead person i.e., Late Smt.Chukka Laxmamma the 2nd respondent in the Appeal Case No.B/ROR/7914/2011 without impleading the petitioners as legal heirs and thereby allowing the appeal in favour of respondents No.4 to 8 by setting aside the mutation orders of the 3rd respondent in Proceedings No.D/1023/2011 dated 8.4.2011 as arbitrary, illegal, contrary to the provisions of the A.P. Rights in Land & Pattadar Pass Books Act, 1971, violative of principles of natural justice besides being violative of Articles 14, 21 and 300-A of the Constitution of India and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Swaroop Oorilla*, learned counsel appearing for the petitioners, of the learned Government Pleader for Revenue (Telangana) appearing for the respondents 1 to 3; and of Sri *P.Raghavender Reddy*, learned counsel appearing for the unofficial respondents 4 to 8. I have perused the material record.

3. At the time of hearing, it is brought to the notice of the Court that the proceedings were initiated against the mother of the petitioners 1 & 3 and the mother-in-law of the 2nd petitioner, who died and that the impugned orders have come to be passed despite bringing the said fact to the notice of the Revenue Divisional Officer and that since the order passed against a dead person is a nullity, the same is liable to be set aside.

4. At the hearing, learned counsel for rival parties submit that without going into the merits of the matter, the impugned order may be set aside and the Revenue Divisional Officer, Mahabubnagar District, 2nd respondent herein, may be directed to dispose of the matter afresh, uninfluenced by the observations in the order, which is set aside, by following the procedure established by law.

5. Recording the submissions, the Writ Petition is allowed and the impugned order, dated 03.03.2018, in Appeal Case No.B/ROR/7914/2011, passed by the Revenue Divisional Officer, Mahabubnagar District, 2nd respondent herein, is set aside. However, the 2nd respondent is directed to dispose of the matter afresh, uninfluenced by his observations in the order, which is now set aside, however, by strictly following the procedure established by law. The necessary exercise in this regard may be completed within eight (08) weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 16th July, 2018

Note: Issue C.C. on 18.07.2018.

(B/o.)
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