

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.16463 OF 2018

Dated:02.05.2018

Between:

Kota Susheela,
W/o. Mohan Rao @ Manjohar,
Aged 43 years,
R/o. Marrkunta Village,
Garidapally Mandal,
Suryapet District.

... Petitioner

And

The State of Telangana,
Rep. by its Prl. Secretary,
Revenue Department,
Secretariat Buildings,
Hyderabad and others.

... Respondents



The Court made the following:

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ORDER:

Petitioner challenges the notice dated 04.04.2018 issued by the Tahsildar, under Rule 19(1) of the Rules framed under A.P. Rights in Land and Pattadar Pass Books Act, 1971. This notice was issued in response to the application made by the unofficial respondent requesting to mutate her name in the revenue records.

2. It appears unofficial respondent is making the claim based on gift settlement deed executed by her father. It appears, subsequently, her father filed O.S.Nos.74 and 75 of 2017 for cancellation of the gift settlement deed in the Court of Senior Civil Judge, Huzurnagar and the said suits are pending. It appears, the unofficial respondent also filed O.S.No.58 of 2017, pending on the file of Additional District Judge, Miryalaguda, seeking decree for partition. By referring to these suits, petitioner sought to contend that the notice could not have been issued. However, so far no written response is given by the petitioner to the notice.

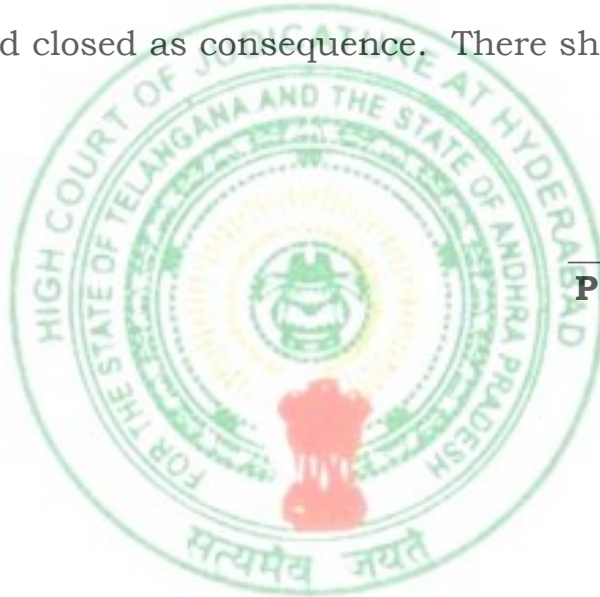
3. It is not the case of the petitioner that Tahsildar is not competent to set in motion the process of mutation under Act, 1971, as and when application is made. Whether such application was validly made, whether a person is entitled to seek mutation and whether the Tahsildar can accept such request, are all matters for consideration by Tahsildar. Even before petitioner responded to the notice and even before, a decision is made petitioner instituted

this writ petition to challenge the process set in motion in accordance with Act, 1971. Thus, Court is not inclined to entertain the writ petition at this stage.

4. Accordingly, this writ petition is dismissed. However, it is open to the petitioner to file explanation in response to the notice, within one week from today and if, so far no order is passed, the Tahsildar shall consider the explanation on its merits before taking a decision.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as consequence. There shall be no order as to costs.

02.05.2018
SS



P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



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02nd MAY, 2018

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