

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 4691 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the inaction of respondent No.3 in not disposing the application dt. 11.12.2015 of the petitioner to mutate his name as pattadar in SY.No.137/3A for an extent of 9.20 guntas of patta land belonging to him at Chunchupalli Village, Kothagudem Mandal, Khammam District, as illegal and arbitrary.

The grand father of the petitioner Sri Kalluri Komaraiah acquired an extent of 9.20 guntas of land in Sy.No.137/3A in Chunchupalli village, Kothagudem Mandal, Khammam District and his name was recorded in revenue records as pattadars and enjoyer of the property during his life time and after demise of Kalluri Komaraiah, the property was devolved upon his father, his brothers by name Kalluri Malleesh and K. Chandra Mogili and this petitioner, since then they are in possession and enjoyment of the property without any interruption by anybody.

During the year, 2011, it was noticed in the revenue records the name of one Paladugu Lakshmana Rao in place of his grand father-Kalluri Komaraiah's name and thereupon an application dt. 11.12.2015 was made to the Tahsildar to mutate the name of this petitioner deleting the name of Paladugu Lakshmana Rao. During enquiry, in terms of Sub Section 3 of Section 3 of Rights in Land and Pattadar Pass Books Act, 1971, statement of the son of the said Lakshmana Rao by name Subrahmanyam was recorded by the Tahsildar as part of enquiry on 07.02.2012, but no order has been passed till date for mutation of the

name of this petitioner deleting the name of Lakshmana Rao following necessary procedure. Thus, the inaction of the respondent No.3 is illegal.

In view of the facts and circumstances of the case, the respondent No.3 is directed to dispose of the application dt. 11.12.2015 by following necessary procedure under Sub Section 3 of Section 3 of R.O.R Act and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this Order.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 18-04-2018
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M. SATYANARAYANA MURTHY, J



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Dt. 18-04-2018



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