

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32354 of 2018

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in not mutating the name of the petitioners by succession, pursuant to application dated 15.03.2018, in respect of the schedule property in Sy.No.774 to an extent of Ac.9.12 gts., Sy.No.775 to an extent of Ac.2.8 gts., Sy.No.776 to an extent of Ac.2.22 gts., Sy.No.777 to an extent of Ac.1.39 gts and land in Sy.No.778 to an extent of Ac.20.7 gts., total admeasuring Ac.36.2 gts., situated at Jaklair Shivara of Maktal Mandal, Mahaboobnagar District as illegal and improper.

2) The main ground urged by Sri Rajagopallavan Tayi, learned counsel appearing for the petitioners, is that basing on the decree dated 18.01.2018 passed in O.S.No.31 of 2011 on the file of the Senior Civil Judge at Narayanpet, wherein the claim of the petitioner came to be decided, an application came to be filed seeking mutation in the records. But the same is pending consideration and no orders are passed till date.

3) Learned Assistant Government Pleader for Revenue (Telangana) would submit that the proper remedy for the petitioners is to challenge the entries made in the revenue records

and that nothing could be done by Tahasildar basing on the decree passed by the civil court.

4) The petitioners claim to have right over the subject property basing on the civil court decree. Therefore, I see no illegality in making application seeking mutation of the same in the revenue records basing on the decree. In fact, the provisions contemplate the same.

5) Hence, the Writ Petition is disposed of directing the petitioners to make a fresh online application in the prescribed proforma by enclosing all the documents, seeking mutation in respect of the lands referred to above, in which event, the Tahasildar shall dispose of the said application in accordance with the procedure established under law, after giving notice to all the parties concerned, including the plaintiff and defendants in the suit, as early as possible.

6) There shall be no order as to costs. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

C. PRAVEEN KUMAR, J

Date: 17.09.2018

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