

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33635 of 2018

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent No.4, in not considering the objections raised by the petitioners on 15.05.2018 in granting and issuing pattadar pass book and title deed admeasuring Ac.9.37 gts., in Sy.No.376/7 situated at Batasingaram village, Ranga Reddy District, in view of the civil dispute pending in the court of law i.e., O.S.No.686 of 2016 on the file of VIII Additional Senior Civil Judge, Ranga Reddy District and also a declaration suit in O.S.No.1191 of 2017 on the file of VIII Additional District Judge, Ranga Reddy District, as illegal, arbitrary and improper.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners claim to be the absolute owners and possessors of agricultural land admeasuring Ac.9.37 gts., in Sy.No.376/7 situated at Batasingaram village, Ranga Reddy District by law of inheritance. Originally, the said land was owned and possessed by one Gaddam Sattaiah who is husband of the first petitioner and father of petitioners 2 to 6. The said Gaddam Sattaiah died intestate on 12.04.2010, leaving behind the petitioners as the surviving legal heirs. It is stated that after the

demise of late G.Sattaiah, by operation of law, the petitioners have become the absolute owners and have been in continuous possession of the said property. It is further stated that the petitioners could not take steps for mutation and obtain pattadar passbooks and title deeds in their names, due to lack of legal knowledge. It is stated that the petitioners made a representation on 25.04.2016 to respondent No.4 for issuance of passbooks, title deeds and for mutation. But the respondent No.4 has not issued any passbooks, title deeds and mutation as per the ROR Act. Hence, the petitioners were constrained to file W.P.No.31449 of 2016 before this Court and the same is pending for hearing at the admission stage. While things stood thus, the respondent No.5 started interfering with the possession of the petitioners. At that stage, the petitioners claims to have filed a civil suit for injunction vide O.S.No.682 of 2016 against the respondent No.5 on the file of the I-Senior Civil Judge, Ranga Reddy District and obtained an order of *status quo*. In turn the respondent also filed a civil suit vide O.S.No.1191 of 2017 on the file of VIII Additional Chief Judge, Ranga Reddy District and the same is also pending. It is stated that though the matters are pending before the Court of law, the respondent No.5 is making hectic efforts to obtain pattadar passbook and title deed, regarding the subject land, depriving the legitimate rights of the petitioners. As such the petitioners claim to have made an objection on 15.05.2018 to respondent No.4

requesting him not to grant any pattadar passbook and title deed in favour of respondent No.5. The petitioners apprehend that the Tahasildar may effect changes in the revenue records without taking into consideration the objections raised by them while issuing pattadar passbooks and title deeds.

3) The learned Assistant Government Pleader would submit that if the petitioners are in possession of the property and if they have any right over the property, definitely the Tahasildar would follow due process of law, while issuing pattadar passbooks or making any changes in the revenue records.

4) Having regard to the above, the Writ Petition is disposed of directing the 4th respondent/Tahasildar or any other authority dealing with the issuance of the pattadar passbooks in respect of the subject land, to follow the due process of law. In case the petitioners have any right over the land or if they are in possession, the authorities shall issue notice to the petitioners as well before effecting any changes in the revenue records, if not already done.

5) 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: 19.09.2018
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