

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38194 of 2018

ORDER:

This writ petition is filed challenging the proceedings in Ref.No.B/197/2018, dated 19-04-2018, wherein and whereby the application of the petitioner for mutation of his name in respect of Ac.5.00 cents of land in Sy.No.86 of Peddapalli village was rejected.

Learned counsel for the petitioner submits that initially when the concerned Sub-Registrar refused to entertain the registration in respect of subject land, vendor of the petitioner filed WP.No.36982 of 2012 and in that writ petition the respondent/Government Pleader for Revenue stated before the Court that the land in Sy.No.86 is a private land and the document will be received for registration. Basing on that order, subject land was registered in the name of petitioner's vendor in the year 2015 vide document No.6169/2015, dated 30-09-2015. When the petitioner applied for mutation once again, the impugned order is passed saying that as per RSR of Peddapalli Village, Sy.No.86/1 ext.12.60 acres classified as patta land and stands in the name of Sri Kanagolu Krishna Rao. But as seen from the Record of Holdings the said survey numbered entered as Assessed waste land. He also submits that registration of subject land was being done from 1971 onwards, because vendor of the petitioner also purchased through registered sale deed in the year 1971 and name of his vendor also entered in revenue records. In spite of the same,

the application of the petitioner was rejected and no opportunity of hearing was given to him before rejecting the application.

Learned Assistant Government Pleader for Revenue produced written instructions reiterating the averments made in the impugned order as well as stating some other grounds.

In this case, respondents without giving opportunity of hearing passed the impugned order without considering the above said aspects.

In view of the same, the impugned order is set aside. The matter is remanded back to the 4th respondent-Tahsildar and he is directed to issue notice to the petitioner and it is open to the petitioner to place all the material before the 4th respondent, if not already placed and thereafter, after considering the documents of the petitioner and after hearing them, the 4th respondent is directed to pass appropriate orders in accordance with law.

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

25-10-2018
Nvl



