THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 39592 OF 2018

O R D E R:

The petitioner challenges the notice, dated 14.09.2018, issued by the 4th respondent calling him, in the process of examining the claim of the 5th respondent, seeking to rectify the entries in the revenue records with respect to the property over an extent of Ac. 2-00 gts., situated in Sy.No.628 of Phanigiri Revenue Village, Nagaram Mandal, Suryapet District.

2) It is the contention of the petitioner that, as a matter of fact, he had filed O.S.No.51 of 2016 before the learned Senior Civil Judge, Suryapet, for declaration of title in respect of the land and the same is pending. Though, initially, injunction order was granted in favour of the petitioner, thereafter, the same has been vacated and C.M.A. No.817 of 2017 is pending before this Court. It is the further contention of the petitioner that as the suit is pending, one Jangili Yadagiri filed O.S.No.35 of 2016 before the learned Junior Civil Judge, Tungaturthi for cancellation of the sale deed, executed by the petitioner in favour of the 5th respondent. During pendency of the said suits, issuance of notice by the 4th respondent is not sustainable.

3) Heard the learned counsel for the petitioner.

4) Learned Government Pleader for Revenue (Telangana) points out that vide earlier proceedings before the Joint Collector, he had found that the dispute between the petitioner and one Jungill Krishna Rao S/o Mallaiah, J. Srinivasara Rao, S/o Mallayya, residents of Suryapet village are required to be settled in the Civil

Court and the petitioner as well as the respondent therein were given liberty to approach the revenue authorities after disposal of the proceedings before the Civil Court. The learned Government Pleader also points out that even as per the averments in the Writ Petition, the petitioner is the one, who had sold the property in favour of the 5th respondent. In those circumstances, issuance of notice cannot be found fault as revenue entries are required to be rectified if a person, who purchased the property, files an Application seeking alteration of revenue entries.

5) Having considered the respective submissions, it is to be seen that since the notice has been issued to the petitioner by the 4th respondent, he can give a reply with all grounds, which are alleged in the writ affidavit, before the authroiteis-4th respondent, and the 4th respondent, who is duty-bound to consider the same. At this point of time, there is no basis for the petitioner's apprehension that the 4th respondent, in the process of enquiry, would not consider the contentions that may be put forward by him. In the process of enquiry in relation to grant of pattadar passbook and alteration of revenue entries under the rules of Telangana Rights in Land & Pattadar Pass Books Rules, 1989, which are required to be considered and Applications will have to be processed in terms of Rule 9 (1)(a) (2), which casts a burden on the recording authority to consider various aspects and come to conclusion with respect to the title and ownership of an applicant / the opposing party. As on date, the 4th respondent has only issued a notice to the petitioner, who has a right to approach the 4th respondent and file his objections. Therefore, there is no

requirement of entertaining the present Writ Petition, as it is a premature one.

6) Accordingly, the Writ Petition is closed, giving liberty to put forward his case before the 4th respondent. No costs.

Consequently, the Miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Date: 01.11.2018

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