

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38073 OF 2017

DATED :15.03.2018

Between :

K.Venkatapathi Raju S/o.Buchiramchandraraju,
Aged 71 yrs, Occu :Agriculture,
Rep., by his General Power of Attorney holder
U.Krishna, S/o.Late Narayana,
Aged 40 yrs, Occu : Business, R/o.H.No.1-101/3,
Gundlapochampally Village, Medchal Mandal,
Ranga Reddy District.

.. Petitioner

And

State of Telangana,
Rep., by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned counsel for the 3rd respondent.

2. Suffice to note that both parties claim to have purchased the property by way of agreement of sale from same person. Both have filed suits to grant decree of specific performance against their vendor. The said suits were decreed. Both have filed execution petitions and in the execution proceedings the Court executed sale deeds in their favour. Armed with respective sale deeds, both have filed applications before the Tahsildar for mutation of their names in the revenue records against the subject land. The land in issue is to an extent of Ac.8-17 guntas in Sy.No.774 of Upperapally Village, Shameerpet Mandal, Ranga Reddy District. However, it is relevant to note that petitioner filed application for mutation on 15.04.2016. The Tahsildar called for objections vide notice dated 01.06.2016. The 3rd respondent filed application for mutation on 10.05.2016. The Tahsildar called for objections on 20.05.2016. The objections were to be filed on or before 04.07.2016. While so, on 29.06.2016, the Tahsildar passed orders in favour of the 3rd respondent to mutate his name in the revenue records, which is under challenge in this writ petition.

3. According to learned counsel for the petitioner, petitioner was not afforded opportunity and even before the time granted for filing objections expired final order was passed. Therefore, the same is illegal.

4. Though learned counsel for the 3rd respondent contends that petitioner was present when the decision was made but the Tahsildar order does not reflect the same. He therefore, fairly submits that the matter may be remitted to the Tahsildar for consideration of respective objections and passing a reasoned order.

5. Learned counsel for the petitioner also agrees for the said course suggested by the learned counsel for 3rd respondent.

6. As both counsel agreed for remitting the matter to the stage of calling for objections, consideration of objections and passing of orders by the Tahsildar-2nd respondent, Shameerpet Mandal, Ranga Reddy District, the Court is not recording all the contentions of the parties and left open to them to agitate before the Tahsildar in appropriate proceedings. With their consent the writ petition is disposed of with the following order:

- (1). The order dated 29.06.2016 of Tahsildar is set aside.
- (2). The matter is remitted to the Tahsildar, to the stage of consideration of objections on the mutation applications filed by the petitioner on 15.04.2016 and the 3rd respondent on 10.05.2016, respectively.
- (3). The Tahsildar shall afford personal hearing, by fixing a date in advance and on due consideration of respective submissions he shall pass a reasoned order. It is open to the petitioner and 3rd respondent to raise all contentions as available in law. It is also open to them to work out their remedies on the decision made by the 2nd respondent.

(4). The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order. The parties shall cooperate with the 2nd respondent in taking a decision. It is open to the 2nd respondent to pass orders based on the record, if either of the parties do not cooperate in early disposal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

15th March, 2018
Rds

P.NAVEEN RAO,J

