

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.46072 OF 2018

O R D E R

Aggrieved by the proceedings No.B/915/2018 dated 23-07-2018 issued by the 5th respondent - Tahsildar, in rejecting the claim of the petitioners for mutation of their names in the revenue records in respect of the subject property, the present writ petition is filed.

Sri Vedula Venkata Ramana, learned Senior Counsel, appearing for the writ petitioners, based on the averments made in the affidavit filed in support of the writ petition, would submit that the petitioners inherited the subject land in an extent of Acs.9-36 guntas in Sy.No.51 of Gandhamguda village, Rajendranagar mandal, presently called Gandipet mandal, Rangareddy District, and thus they are the absolute owners and possessors of the subject land. When they sought for mutation of their names in the revenue records, 5th respondent – Tahsildar, vide the impugned proceedings dated 23.07.2018, rejected their request on the ground that as per revenue records, the subject land is classified as 'Sarkari' and notified in prohibitory register of Gandhamguda village under Section 22-A of the Registration Act, 1908. He submits that the notification purported to have been issued for inclusion of the subject land in the list of prohibited properties is dated 26.09.2013, and a perusal of the said notification, would disclose that it is only a proposal, and not a final notification. He submits that the foundational revenue record which is Khasara pahani, would show that the subject land is private patta land and not government land, and similarly the Sethwar, Vasool Baki, Tippan, Pakkka book, would show that the land is private patta land. He further submits that the Assistant Director, Survey and Land Records, Rangareddy

District, after causing verification of the entries in the relevant revenue records viz., tippon book, pucca book, bagath Taqtha, submitted report vide Rc.No.A5/3608/2015 dated 21.11.2015, to the 5th respondent, stating that the subject land is patta land. He submits that the 5th respondent vide proceedings in Lr.No.D/270/2015 dated 30.10.2017 informed that the 4th respondent – District Collector about the report of the Assistant Director, Survey and Land Records, Rangareddy dated 21.11.2015. He contends the 5th respondent before rejecting the request of the petitioners for mutation, has not considered the report dated 30.10.2017. He also submits that impugned proceedings have been issued without any notice to the petitioners, and the claim of the petitioners, in the light of above facts and circumstances, was not considered in proper perspective. Therefore, he seeks to set aside the impugned proceedings.

Heard the learned Assistant Government Pleader for Revenue.

A reading of the impugned proceedings goes to show that the report of the Assistant Director, Survey and Land Records, Rangareddy District, vide Rc.No.A5/3608/2015 dated 21.11.2015, has not been considered, and the proceedings of the 5th respondent dated 30.10.2017 also has not been considered. Further, the impugned proceedings also does not disclose that the petitioners were given any notice affording them opportunity, before rejecting their claim for mutation. These circumstances, in my considered view, amount to violation of principles of natural justice, and on this ground alone, the impugned proceedings are liable to be set aside, and accordingly set aside.

The competent authority – 5th respondent is directed to reconsider the claim of the petitioners, after issuing notice and opportunity of hearing

to the petitioners and other affected parties, if any, and pass appropriate orders in accordance with law.

It is open to the petitioners to file necessary material in support of their claim, and it is for the competent authority to consider the same.

Writ petition is accordingly allowed to the extent indicated above.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:27—12—2018
AVS

