

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.88 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein prayed that this Honourable Court may be pleased to issue writ or direction preferably writ of mandamus declaring the action of respondent No 4 in not mutating the petitioner's name in the pahani, 1-B Register and not issuing digital pass book for the land in Sy.No.52 to an extent of Ac.1-09 gunts and in Sy.No.53 to an extent of Ac.0-33 gunts situated at Naspur Village Mancherial Mandal of Mancherial District pursuant to the proceedings dt 12.6.2018 as illegal, arbitrary and violative of principles of natural justice and consequently, direct respondent Nos.3 and 4 to mutate the petitioner's name in the revenue record and issue the digital pass books in favour of the petitioner in respect of the subject lands and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

Notice was ordered and personal service upon Hameeda Begum, respondent No.5, was also permitted on 03.01.2019. Despite personal service of notice by Sri M.M.M.Srinivasa Rao, learned counsel for the petitioner, Hameeda Begum, respondent No.5, did not choose to enter appearance before this Court.

The petitioner made an application on 18.6.2018 to the Tahsildar, Naspur Mandal, seeking mutation of his name in the revenue records in relation to the land admeasuring Ac.1.09 guntas in Survey No.52 and Ac.0.33 guntas in Survey No.53 of Naspur Village and Mandal, Macherial District.

It is relevant to note that by proceedings dated 12.6.2018, the Tahsildar, Naspur Mandal, undertook a *de novo* enquiry in relation to the land admeasuring Acs.3.20 guntas in Survey No.52 and Ac.0.35 guntas in Survey No.53 of Naspur Village in the context of the rival claim between the petitioner herein and Hameeda Begum, respondent No.5. By the said proceedings, the Tahsildar, Naspur

Mandal, ultimately held that the claim of the petitioner has to be considered in relation to the land admeasuring Acs.1.09 guntas in Survey No.52 of Naspur Village and that his name should be incorporated in the revenue records as the present pattadar. The Tahsildar further held that the claim of Hameeda Begum was rejected. It is stated that this proceedings of the Tahsildar, Naspur Mandal, remain operative even as on date.

That being so, it is not open to the revenue authorities to fail to take necessary action upon the petitioner's application dated 18.6.2018. Though the petitioner did not make a mention in the said application about the proceedings dated 12.6.2018, it does not have the effect of diluting or nullifying the same and as long as the said proceedings remain in force, the claim of the petitioner in relation to the subject land stands validated.

The Writ Petition is accordingly allowed directing the Tahsildar, Naspur Mandal, Mancherial District, respondent No.4 herein, to take necessary action upon the petitioner's application dated 18.6.2018 in the light of the proceedings dated 12.6.2018 of the Tahsildar, Naspur Mandal, Mancherial District. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

28th January, 2019

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