

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5306 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 prays that this Hon'ble Court may be pleased to issue a writ or direction more particularly in the nature of writ of mandamus declaring the action of the 2nd respondent in not entertaining the objections of the petitioner and not giving any opportunity to the petitioner before effecting the mutation of the name of the 4th respondent in respect of land admeasuring Ac 4-10 guntas in Sy.No:268, 269, 270A, 271/A, 272 and 273 situated at Thuniki Khalsa Village and Wargal Mandal Siddipet District TS as illegal, arbitrary, highhanded and gross violation of principals of natural justice and cannot be justified in the eye of law and consequently direct the 2nd respondent not to effect the mutation of the name of the 4th respondent in respect of the above said land in the interest of justice and pass such other and further order or orders as this Hon'ble Court may deem fit and proper.'

Perusal of the record reflects that the petitioner claims rights in the subject land under an Agreement of Sale-cum-General Power of Attorney, whereas the fourth respondent was admittedly sold the subject land by the principal of the petitioner under a registered sale deed.

Sri Ch.Srinivas, learned counsel for the petitioner, would fairly concede that the petitioner has not even taken any steps either for seeking specific performance of the agreement of sale or for cancellation of the sale deed already executed by his principal in favour of the fourth respondent.

Though the learned counsel would contend that the Tahsildar, Wargal Mandal, should give the petitioner an opportunity to raise his objections in the event the fourth respondent seeks mutation in his favour

in the revenue records by virtue of the sale deed executed in his favour, this Court is of the opinion that these questions of law would not be within the domain of the Tahsildar concerned for resolution. Without approaching the civil Court of competent jurisdiction to resolve these issues, it is not open to the petitioner to assert a right to raise such issues before the Tahsildar concerned, an authority who would be wholly incompetent to look into these issues.

The writ petition is therefore devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

Date:14.03.2019

GJ

JUSTICE SANJAY KUMAR

