

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7556 of 2019

DATED:10-04-2019

Between :

Keloth Hunki w/o.Late Keloth Haridas,
Age.48 years,occ: Agriculture, R/o.H.No.
1-135, Peripally Village, Singareni (Karepally) Mandal
Khammam District-507122 and others.

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Petitioners

And

The Agent to Government,
Khammam District Collector,
Khammam District and others.

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Respondents



This court made the following :

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W.P.No.7556 of 2019

ORDER :

The 4th respondent instituted O.S.No.82 of 2016 to grant decree of partition of schedule property mentioned therein. The said suit was decreed by the agent to Government, Khammam. In terms of the decree, the plaintiff therein is entitled to 50% of the property in the schedule mentioned therein. According to petitioners, it was an exparte decree. Therefore, immediately steps were taken to set aside the exparte decree and the same is pending. While so, on application filed by the decree-holder to mutate the name of decree-holder in terms thereof, Form-8 notice was issued calling upon petitioners to file objections. According to learned counsel for the petitioners, after receipt of said notice, objections were filed and Tahsildar was already informed that application for setting aside the decree and restoration of suit is pending before the Agent to Government. Challenging the show-cause notice, this writ petition is filed.

02. It is not in dispute that Tahsildar is competent to issue notice dated 26-02-2019 on application filed for mutation of name of the applicant in revenue records armed with decree granted in his favour. Pending application to set aside exparte decree cannot be a ground to hold that notice is illegal as long as he is competent to issue such notice. Therefore, this Court is not inclined to entertain the writ petition.

03. Leaving it open to the petitioners to work out their remedies, if any decision made by Tahsildar, the writ petition is dismissed. If petitioners intend to file additional objections, it is

always open to them to file additional objections and work out their remedies against alleged delay in disposal of the application pending before the Agent to Government. Pending miscellaneous petitions shall stand closed.

10-04-2019
Nvl

P.NAVEEN RAO,J

