

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7657 OF 2019

DATED :12.04.2019

Between :

Mekala Mallesh S/o.Late Mekala Yadaiah,
Aged about 54 yrs, Occu :Agriculture,
R/o.H.No.6-89/2, Balapur Village & Mandal,
R.R.District.

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Petitioner

And

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

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioner and learned Government pleader for Revenue for respondents.

2. This writ petition is filed to direct the respondents 2 to 4 not to entertain any revenue mutations and not to issue pattadar passbook in the name of 5th respondent in respect of Sy.No.645/A admeasuring Ac.0-36 guntas situated at Pillypally, H/o.Nandiwanaparthi Village, Yacharam Mandal, R.R.District, on the instigation of 5th respondent and consequently direct respondents 2 to 4 to consider the petitioner's representation dated 05.03.2019 and 08.03.2019.

3. A reading of the prayer itself would show that petitioner seeks restraint on the respondent authorities from entertaining any application under the Telangana State Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971') for mutation/or to issue pattadar passbooks in the name of 5th respondent in respect of land to an extent of Ac.0-36 guntas in Sy.No.645/A of Pillypally H/o.Nandiwanaparthi Village, Yacharam Mandal, Ranga Reddy District. As the prayer is in the form of prevention to entertain any application by the competent authority, no such relief can be granted as it would be amounting to depriving a person from making application under the Act, 1971 and imposing restraint on statutory authority from entertaining the application made before him. Whether there is

merit in the application that may be made or whether such application can be entertained is a matter for consideration only after an application is made or a decision is made by the competent authority. No preemptive direction as sought for can be granted.

4. Thus, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies as available in law, on the issue agitated in this writ petition, or any decision as and when made by the competent authority under the Act, 1971, if an application is made as apprehended by petitioner. Pending miscellaneous petitions, if any, shall stand closed.

12th April, 2019
Rds

P.NAVEEN RAO,J

