

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13571 OF 2019

DATED :05.07.2019

Between :

Kunarapu Mallesh S/o.Rayamallu,
Age : 50 yrs, Occu : Agriculture,
R/o.Gadderagadi Mandal Mandamarri,
Mancherial 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 the petitioner and learned Government Pleader for respondents.

2. According to petitioner agricultural land in Sy.Nos.44, 45, 52 and 53 to an extent of Ac.4-10 guntas, Ac.8-23 guntas, Ac.1-02 guntas and Ac.1-28 guntas respectively are their ancestral properties. Petitioner and six others filed O.S.No.119 of 2013 pending in the Court of Senior Civil Judge, Mancherial, to grant decree of partition. In I.A.No.564 of 2013, the Court below granted injunction on 07.12.2015 to the effect that the defendants therein are restrained from alienating the petition schedule properties pending disposal of the main suit. Petitioner apprehends that the family members are attempting to mutate their names in the revenue records, behind his back. Having come to know about such attempt, petitioner claims to have made representation and also sought direction from Tahsildar, on 06.07.2013 to Mandal Girdwar and Village Revenue Officer against entertaining any such request. Alleging that representations made by him on various dates mentioned in prayer portion of the writ petition against application for mutation are not acted upon, this writ petition is filed.

3. The averments made in the affidavit filed in support of writ petition and the prayer itself would go to show that as of now petitioner is apprehending that application for mutation of names of family members in the revenue records concerning joint family properties would be made without including the

name of petitioner. Apparently, there are large number of family members who are claiming the property in issue. In the suit petitioner has impleaded 31 persons as defendants. None of them are made parties to this writ petition. Further, the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971') and the Rules made there under, envisage a detailed procedure for undertaking exercise of mutation of names of persons. However, the Act, 1971 does not envisage prior application/objection even before an application is made for mutation. Even according to petitioner so far no application is made. It is needless to observe that Tahsildar cannot be expected to by-pass the statutory requirements and accept the request for mutation. Further the injunction order granted do not come to the rescue of petitioner as it only mandates not to alienate properties, but there is no restraint to make a request for mutation. Therefore, I see no merit in entertaining the writ petition at this stage.

4. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies as available in law, on the issue of mutation. Pending miscellaneous petitions, if any, shall stand closed.

5th July, 2019
Rds

P.NAVEEN RAO,J