

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14583 OF 2019

Date: 17.07.2019

Between:

K.Aagaiah, s/o. late K.Rajaiah, Aged about 65 years,
Occu: Agriculture, r/o.Surapally village, Bhongir Mandal,
Yadadri district.

.....Petitioner

and

State of Telangana, rep.by its Prl.Secretary,
Revenue Department, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

According to petitioner, his father was owner of land to an extent of Ac.1.16 guntas in Sy.No.1016, and Ac.2.05 guntas in Sy.No.1017 of Chinna Koduru village, Choutuppal Mandal, Nalgonda district. Petitioner alleges that his father was having two wives, and children were born to both wives. Father as well as two wives of his father died. According to the petitioner, he is entitled to 1/6th of the joint family property on the land owned by his father. He therefore submits that to the extent of his share, revenue records have to be mutated. Petitioner alleges that representation made on 15.04.2019 to mutate his name in the revenue records to the extent of Ac.0.23½ guntas, which is equivalent to 1/6th share, which he is entitled to, is not acted upon.

2. From the reading of the averments, it is apparent that the property on which claim is made by petitioner is a joint family property and so far there is no division of the property. The prayer sought in the Writ Petition as well as in the representation would amount to asking the Tahsildar to decide the succession issue, and to apportion the joint family property in the name of individuals, who claimed to have succeeded the property. Such jurisdiction is not vested in the Tahsildar. Thus, petitioner has to first assert his right to share in the alleged joint family property and only after such assertion, he can make application for mutation of his name in the revenue records. Thus, leaving it open to petitioner to work out his remedy as available in law on claim for partition of joint family property, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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