

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 15234 of 2019

ORDER :

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. The prayer in the writ petition is that the directions issued by this Court in W.P.No.3314 of 2015 dated 16.2.2015 are not implemented and therefore such action be declared as illegal and seeks for a consequential direction to pass appropriate orders as per orders in W.P.No.3314 of 2015.

3. In W.P.No.3314 of 2015, this Court having took note of the fact that the application submitted by the petitioners for mutation of their names in revenue records was not in the prescribed form, disposed of the said writ petition on 16.2.2015 granting liberty to the petitioners to submit their application in Form-VI(A) to the Recording Authority and with a further direction to dispose of said application within a period of three months of receiving such application. Alleging that the said orders are not complied with, petitioners filed C.C.No.1469 of 2015. When the said contempt case was taken up on 30.10.2015, a memo dated 10.9.2015 was produced before the Court reporting that the orders are complied with. The Court was not satisfied with the explanation offered and therefore contempt case was admitted and notice in Form-1 was issued. However, by order dated 2.6.2017, the said contempt case was closed recording that the Memo dated 10.9.2015 was issued in compliance of directions issued on 16.2.2015.

4. In view of facts noted above, the relief sought in the writ petition cannot be granted. Copy of the Memo bearing

Rc.No.B/1576/2015 dated 10.9.2015 is filed herewith vide U.S.R.No.45535 of 2019. Taking through the Memo, learned counsel for petitioner sought to contend that the same is not in accordance with law and therefore the said Memo is not valid and liable to be set aside. However, it is seen that the said Memo is not challenged in the writ petition. Even if the decision taken by competent authority is not in accordance with law, unless the said decision is challenged, this Court cannot express opinion on its validity and hold the proceedings as not valid in law. Therefore, leaving it open to the petitioners to work out their remedies as available under law against the Memo dated 10.9.2015, if so advised, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

Date: 26.11.2019
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P.NAVEEN RAO,J

