

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITIOIN No.15968 of 2019

ORDER:

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

2. The petitioner claims to be the owner of land of an extent of Acs.2.00 gts., in Sy.No.496/Lu of Kondagadapa Village, Mothkur Mandal, Yadadri Bhongir District. He claimed to have purchased the same on 20.05.1998 from the 4th respondent for a sale consideration of Rs.32,000/- by virtue of sada sale deed. On 15.02.2010 Section 13(B) certificate was issued to the petitioner in respect of the above extent of land. She was issued pattedar passbook and her name also reflected in the revenue records. While that being so, the petitioner now alleges that the 3rd respondent – Tahsildar, Mothkur Mandal, is trying to mutate the name of the 4th respondent in the revenue records without following the due process, behind the back of the petitioner even though a civil litigation is pending between the petitioner and the 4th respondent.

3. No material is placed on record to show that an application is filed by the 4th respondent to mutate her name in the revenue records and based on the said application, the Tahsildar is taking up the exercise of mutating the name of the 4th respondent by deleting the name of petitioner. The Andhra Pradesh Rights in Lands and Pattedar Passbooks Act, 1971 (for short "Act 1971 ") envisages a detailed procedure for filing an application for mutation, processing the same

and taking a decision. The Tahsildar cannot be restrained from receiving any application made in accordance with the procedure envisaged for mutation of the names in the revenue records. While such application is made, the Tahsildar is duty bound to process the same, duly observing the procedure laid down under the Act 1971. But, the petitioner alleges that the 3rd respondent is trying to mutate the name of the 4th respondent in the revenue records, even before no such application is made by the 4th respondent. Therefore, the cause in the writ petition is a preemptive one and hence, this Court is not inclined to entertain the request of the petitioner.

4. The writ petition is accordingly dismissed leaving it open to the petitioner to work out her remedies as and when cause of action arises. No order as to costs.

Miscellaneous petitions, if any pending, shall stand dismissed.

P. NAVEEN RAO, J

July 30, 2019
KTL