

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITIOIN No.15963 of 2019

ORDER:

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

2. The petitioner is alleging that without following the due process, the respondents 2 to 4 are taking up the mutation of land in Survey Nos.630 and 631 of Bheemaram Village and Mandal in favour of the 5th respondent. The petitioner further alleges that though he succeeded in O.S No.3 of 2005 on the file of Junior Civil Judge, Chennur, against respondents 5 and 6 and the appeal preferred against the said decree was also dismissed, still respondents 5 and 6 is pressurizing the revenue authorities to mutate their names in the revenue records. The petitioner, therefore, seeks a direction to the official respondents not to mutate the names of respondents 5 and 6 in the revenue records.

3. Learned counsel for the petitioner submitted that no application is filed by respondents 5 and 6 to mutate their names in the revenue records.

4. The Andhra Pradesh Rights in Lands and Pattedar Passbooks Act, 1971 (for short "Act 1971 ") and the Rules made thereunder, envisage a detailed procedure for filing an application for mutation, processing the same and taking a decision. Thus, it cannot be expected, at this stage, that the Tahsildar would not follow the procedure as required under the Act 1971 and mutate the names of the

respondents 5 and 6 behind the back of the petitioner more so, when the petitioner claims to have succeeded in the civil Court against the unofficial respondents with regard to the subject property. It cannot be said that a person cannot apply for mutation and if an application is made for mutation, the Tahsildar cannot refuse to receive the same. Whether there are merits in the application for mutation and whether the procedure followed by the Tahsildar is valid, are the matters which can be gone into only after a decision is made by the Tahsildar on the application made for mutation. The prayer sought in the writ petition is in the form of preemptive litigation. Hence, this Court is not inclined to entertain the request of the petitioner as it is a premature one.

5. The writ petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as and when adverse decision is made against him. No order as to costs.

Miscellaneous petitions, if any pending, shall stand dismissed.

P. NAVEEN RAO, J

July 30, 2019

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