

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.16886 OF 2019

Date: 08.08.2019

Between:

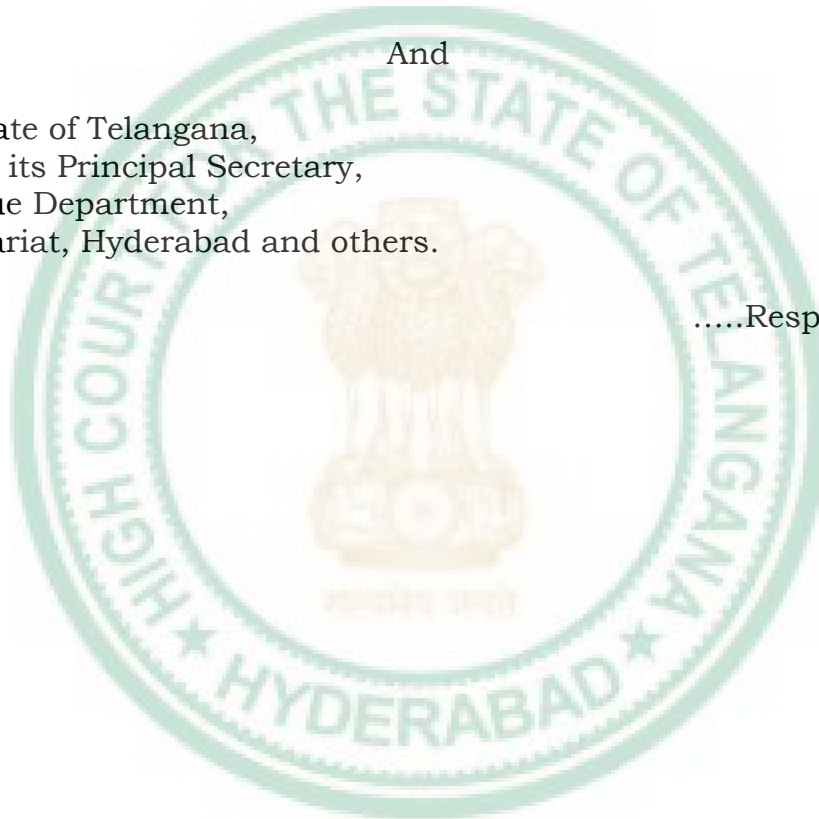
Merugu Laxminarayana,
S/o.Lasmaiah, Alias Laxmaiah,
Aged about 38 yrs, Occu : Business,
R/o.H.No.1-117, Gadderagadi Village,
Mandamarry Mandal,
Mancherla District (erstwhile Adilabad),
Telangana State.

.....Petitioner

And

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

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.16886 OF 2019****ORDER:**

Heard learned counsel for petitioner and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioner challenges the decision of Joint Collector, Mancherial, in the Revision preferred by 5th respondent. The revision was filed challenging the decision of Revenue Divisional Officer, dated 17.12.2016, filed by petitioner. The Revenue Divisional Officer, sets aside the order of Tahsildar dated 27.08.2013 granting mutation in the name of 5th respondent in respect of land to an extent of Ac.2.13 guntas in Sy.No.50, of Kyathanpally village of Mandamarri Mandal and the Tahsildar was directed to pass mutation in favour of petitioner as if the order is proceeded, as if the decree was granted in favour of petitioner in O.S.No.33 of 2013 by the Court of Senior Civil Judge, Mancherial, in the judgment rendered on 24.01.2014. Petitioner instituted the said suit praying to grant decree of partition of suit schedule land mentioned above and allotment of 1/5th share to each of the plaintiffs including petitioner herein. Against the said judgment, petitioner preferred A.S.No.28 of 2015. But the same was also dismissed confirming the judgment of the trial Court. Aggrieved thereby petitioner claim to have preferred S.A.No.114 of 2019 and is pending consideration of this Court.

3. Having regard to the above facts, the revisional authority sets aside the order of Revenue Divisional Officer, which is impugned in this writ petition.

4. As noted above, the decision of Revenue Divisional Officer is solely based on the assumption that a decree of partition was granted in favour of petitioner, whereas the suit itself was dismissed and confirmed by the first appellate Court. Therefore, I do not see any illegality in the decision arrived at by the Joint Collector in restoring the position obtaining prior to the decision of Revenue Divisional Officer.

5. At this stage, learned counsel for the petitioner submits that since Second Appeal is pending, the Joint Collector could not have passed orders. The said contention is stated to be rejected. The writ petition merits no consideration.

6. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to work out his remedies, if he succeeds in the pending Second Appeal. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO, J

8th August, 2019
Rds