

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 17053 of 2019

Date : 9.8.2019

Between:

Smt.R.Santhamma W/o.Late Muthaiah,
Aged about 75 yrs, Occu : Household,
Resident of Torrur Village, Abudullapurmet Mandal,
Ranga Reddy District & others.

..... Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department, Hyderabad & others.

.....Respondents

The Court made the following:

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ORAL ORDER:

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

2. Petitioners are challenging the orders of the Tahsildar dated 1.6.2019 ordering mutation of names of persons who made such applications. From the reading of the order of the Tahsildar, it appears, the applicants therein made a claim to mutate their names as successors to Karimela Mallaiah, based on decrees granted by competent civil Court as affirmed by the Appellate Court.

3. According to learned counsel for petitioners against the succession granted to the unofficial respondents, petitioners filed W P No. 23606 of 2009 and this Court granted interim stay of the succession and said writ petition is pending, therefore, Tahsildar could not have entertained the application made by the unofficial respondents. Learned counsel for petitioners seeks direction to stay all further proceedings.

4. Against decision of the Tahsildar, remedy of appeal is available to Revenue Divisional Officer under Act Telangana State Rights in Land and Pattadar Pass books Act, 1971 (for short the Act, 1971). The contentions urged by learned counsel for petitioners have to be gone into by looking into the record and same can as well be urged before the Appellate Authority. The Appellate Authority can appreciate such contentions, call for the records from the Tahsildar and take a decision as warranted by law. However, prima facie, as the unofficial respondents succeeded before the trial Court and First Appellate Court, the claim to grant injunction, maintain status quo or not to dispossess the

petitioners, would be amounting to interfering with the declaration made by the trial Court as affirmed by the First Appellate Court, more so, when second appeal is still pending in this Court.

5. Accordingly, the writ petition is dismissed granting liberty to the petitioners to avail the remedy of appeal provided under the Act, 1971. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 9-8-2019
TVK

