

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 17040 of 2019

ORDER:

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

2. According to first petitioner, his paternal grand father by name late Mora Achaiah acquired Ac.29-31 guntas of land in Sy.Nos.221, 330, 601 and 604 situated at Peddaparthi village, Chityala mandal, Nalgonda district. The said Mora Achaiah died in the year 1990 and he is survived by his three sons namely M.Lingaiah, M.Timmaiah and M.Yadaiah. First petitioner is son of late M.Yadaiah, second petitioner is wife of late M.Lingaiah and third petitioner is daughter of late M.Timmaiah. First petitioner allege that after death of his paternal grand father Mora Achaiah, instead of recording the names of legal heirs of Mora Achaiah in the revenue records, the names of petitioner's grandfather's brothers and their sons by name M.Ramaswamy, M.Bhumaiah, M.Venkataiah, M.Timmaiah and M.Tirumalaiah were recorded. Having come to know about the same, petitioners made a representation on 13.6.2019 to the 2nd respondent-Mandal Revenue Officer, requesting him to enquire into the matter and set right the mutation proceedings issued earlier by reflecting the names of original legal heirs of Mora Achaiah in the revenue records.

3. Three issues are noticed in the matter. Firstly, soon after the death of Mora Achaiah, the names of other persons are mutated in the revenue records and petitioners did not protest for such mutation exercised and kept quite all along. Secondly, once mutation proceedings are completed, the 2nd respondent-Mandal Revenue Officer becomes *functous-officio* and he cannot review his own decision and

the remedy to an aggrieved person is by way of appeal or revision before appropriate authority. Thirdly, what is sought in the representation is to enquire into successor claims in order to succeed the property, in other words, to decide succession issue, which the 2nd respondent is not competent.

4. Having regard to the infirmities noticed above and the pleas raised by the petitioners, this Court is not inclined to entertain the writ petition and grant the relief as prayed for. The writ petition is devoid of any merit and liable to be dismissed and is accordingly dismissed, leaving liberty to the petitioners to work out their remedies as available under law. Pending miscellaneous petitions, if any, shall stand closed.

Date: 19.11.2019
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P.NAVEEN RAO,J

