

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17413 of 2019

ORDER:

This writ petition is filed seeking *Mandamus* declaring the action of respondent No.4 in mutating and changing the Revenue records in favour of respondent No.5 in respect of agricultural land in an extent of Ac.1.18½ guntas, in Sy.No.945, situated in Sujathanagar Village and Mandal, Bhadradri-Kothagudem District, without following due process of law, as arbitrary, illegal and against the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 and consequently sought a direction to the respondents to drop the proceedings of mutation in favour of respondent No.5 in respect of the subject land.

The case of the petitioner is that she is the absolute owner and possessor of agricultural land in an extent of Ac.1.18½ guntas, in Sy.No.945, situated in Sujathanagar Village and Mandal, Bhadradri-Kothagudem District, and to that effect a Certificate in Form 1-B was also issued by respondent No.4 - Tahsildar, Kothagudem, Bhadradri-Kothagudem District, in favour of the petitioner. The petitioner asserts that on an oral enquiry from the office of the Tahsildar, the petitioner was informed that respondent No.5 had made an application seeking mutation of his name in the Revenue records in respect of the above said land.

However, till date the petitioner has not been issued any notice and no enquiry whatsoever has been conducted with regard to the rights of the parties in respect of the above said land. In those circumstances, apprehending that the name of respondent No.5 would be mutated in the Revenue records in respect of the subject land without any notice to her, the petitioner has filed the present writ petition.

Learned counsel for the petitioner submits that though the petitioner is the owner and possessor of the subject land, the respondent authorities are taking steps to mutate the name of respondent No.5 in the Revenue records in respect of the subject land without any enquiry or without issuing any notice to the petitioner.

On the other hand, the learned Assistant Government Pleader for Revenue appearing for the official respondents submits that only on mere apprehension that the official respondents may mutate the name of respondent No.5 in the Revenue records in respect of the subject land without any notice to her, the petitioner has filed the present writ petition.

A perusal of the record does not indicate that an application was alleged to have been made by respondent No.5 seeking mutation of his name in respect of the subject land and an enquiry is sought to be conducted with regard to the rights of the parties. However, considering the fact that a

Certificate in Form 1-B was issued in favour of the petitioner prima-facie supporting the claim of the petitioner that she is having absolute right over the subject land, if any application is made by respondent No.5 or any third party seeking mutation of their name in the Revenue records in respect of the subject land, it is mandatory on the part of the respondent authorities, particularly respondent No.4, to issue notice to the petitioner before proceeding against the rights of the parties in respect of the subject land.

In that view of the matter, this writ petition is disposed of directing the respondent authorities, particularly respondent No.4, to issue notice to the petitioner by way of registered post acknowledgement due before proceeding against the rights of the parties in respect of the subject land and conducting enquiry in terms of the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 and the Rules made thereunder. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

16.08.2019.
Msr

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