

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18679 OF 2019

ORDER:

Petitioner challenges the notice dated 30.05.2019 issued by the 5th respondent Tahsildar, Madgulapally Mandal.

Petitioner claims to be the owner and possessor of the land in an extent of Acs.8.07 guntas in Survey Nos. 566 and 558 situated at Kannekal Village, Nidamanur Mandal, Nalgonda District and that his name was mutated in the revenue records in respect of the above said property and title deeds came to be issued in 2006-07 by affecting mutation *vide* passbook No. 844771. It is his case that he had already filed O.S. No. 133 of 2014 before the Senior Civil Judge's Court at Miryalaguda, Nalgonda District seeking injunction against Smt. Jonnalagadda Yashodamma and three others. His further case is that Smt. Jonnalagadda Yashodamma, mother of the 6th respondent had filed Appeal before the 4th respondent under Section 5(5) of the Right in Land and Pattadar Passbooks Act, 1971 and the same was allowed on 18.01.2014 and now, Revision thereagainst is pending before the Joint Collector.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue takes objection to the challenge made in the Writ Petition and submits that notice was issued by the Tahsildar on the Application made by the 6th respondent. According to him, the 5th respondent is duty-bound to consider the Application made by the 6th respondent for mutation of the property based on succession on the death of her mother

Smt. Jonnalagadda Yasodamma and hence, notice was issued to her legal heirs 1) Padoori Vasantha, 2) Uppala Nirmala .

Having regard to the facts on record, it is to be noted that the petitioner can as well make his claim before the 5th respondent Tahsildar, who is mandated to conduct an inquiry when an Application is made under Sections 4 and 5 of the 1971 Act. At this point of time, there is no reason for the petitioner to apprehend that the 5th respondent will not consider his submissions / objections thereon.

The Writ Petition is therefore, dismissed with costs of Rs.500/- (Rupees five hundred only) payable to Telangana High Court Advocates' Association. However, liberty is given to the petitioner to make his stand clear before the 5th respondent. No costs.

The miscellaneous Applications, if any stand closed.

CHALLA KODANDA RAM, J

28th August 2019

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