

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18925 of 2019

ORDER:

In view of nature of relief sought by the petitioners, it is not necessary to issue notice to respondent Nos.5 and 6. Hence, this writ petition is being disposed of at the admission stage.

The case of the petitioners is that brother of petitioner No.1 filed O.S.No.199 of 2008 in the Court of Principal Junior Civil Judge, Gajwel, for declaration of title and possession of agricultural land to an extent of Acs.3.33 guntas in Survey Nos.161/1&2 out of Acs.5.13 guntas situated at Markuk Village, Mulugu Mandal, Medak District, and the same came to be decreed on 11.12.2018 against respondent Nos.5 and 6. Aggrieved by the same, respondent Nos.5 and 6 filed A.S.No.5 of 2019, but, there is no interim order passed by the lower appellate Court suspending the judgment and decree in O.S.No.199 of 2008. Thereafter, petitioner No.1 sought to file an application before the fourth respondent – Tahsildar, Markuk Mandal, Siddipet District, seeking to mutate her name as well as the names of petitioners 2 to 4 in the revenue records in terms of the judgment and decree dated 11.12.2018. The fourth respondent is not accepting their online application on the ground that there is a

dispute with regard to the subject property. Hence, this writ petition.

Learned counsel for the petitioners submits that in terms of Section 8(2) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, the fourth respondent is duty bound to consider the application of the petitioners for mutation and process the same in accordance with law.

Learned Government Pleader submits that in the light of the judgment and decree in O.S.No.199 of 2008, the petitioners' application may be directed to be considered by the fourth respondent in accordance with law after issuing notice to respondent Nos.5 and 6, who are the rival claimants.

Admittedly, the petitioners are seeking mutation of their names in the revenue records and issuance of pattadar pass books based on the judgment and decree dated 11.12.2018 in O.S.No.199 of 2008. As on date, the judgment and decree dated 11.12.2018 is not suspended by the lower appellate Court in A.S.No.5 of 2019, which is pending. It is to be noted that without there being any order of stay, the respondent authorities cannot refuse to consider the application of the petitioners for mutation of their names in the revenue records. However, they shall

consider the same under Rule 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, as adopted by the Telangana State.

In those circumstances, the fourth respondent is directed to receive the application in Form-VIA of the petitioners subject to the condition of their paying prescribed fee, if any, and pass orders in accordance with law, only after issuance of notice to the rival claimants.

Subject to the above, the writ petition is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

29th AUGUST, 2019.

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