

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20081 OF 2019

ORDER:

It is the case of the petitioners that in December, 2018, petitioners filed O.S.No.160 of 2018 on the file of Senior Civil Judge, Narayanpet, seeking partition of the suit schedule properties viz., (1) land admeasuring Acs.2.01 guntas in survey No.335/E situated at Kankurthy Village, Damargidda Mandal, Mahabubnagar District, (2) wet land admeasuring Acs.2-31 guntas in survey No.19 situated at Gadimunkanpally Village, Damargidda Mandal, Mahabunagar District, (3) land admeasuring Acs.25-00 guntas in survey No.200 situated at Gadimunkanpally Village, Damargidda Mandal, Mahabubnagar District, and (4) land admeasuring Acs.2-35 guntas in survey No.233 and land admeasuring Acs.8-37 guntas in survey No.233/paiki, situated in one compact at Gadimunkanpally Village, Damargidda Mandal, Mahabubnagar District. On coming to know about filing of the said suit, the maternal uncle of the petitioners, who is defendant No.3 in the O.S., got executed sale deeds in favour of third parties. Petitioners, having come to know that the purchasers of the land approached the Mandal Revenue Officer seeking mutation of their names in revenue records, filed objections before the Mandal Revenue Officer. It is asserted by the petitioners that on the said objections, the Tahsildar also sought legal opinion from the Government Pleader, Narayanpet. Petitioners, now, apprehend that the Tahsildar may not consider the objections filed by them.

2. Learned Assistant Government Pleader submits that the present writ petition is filed only on apprehension that petitioners'

objections may not be considered by the Tahsildar. He further submits that the very fact that the Tahsildar has sought the opinion of the Government Pleader, Narayanpet, itself would indicate that the objections filed by the petitioners are being considered.

3. When a dispute is raised with respect to a property, it is the duty cast upon the Tahsildar in the process of enquiry under Rule 9 (i) (a) read with Rule 9 (1) (a) (iv), 9 (1) (b) and 9 (1) (c) of The Telangana Rights in Land and Patadar Pass Books Act, 1971, to consider the objections filed, if any, and the course to be adopted is also set out in the said Rules.

4. In view of the above, the Tahsildar, before passing any orders, is directed to take into consideration the objections filed by the petitioners and deal with the same in accordance with law.

5. Subject to above observations, the Writ Petition is disposed of.

Miscellaneous Petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

17th September, 2019.

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CHALLA KODANDA RAM, J