

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No.22099 of 2019

ORDER :

The petitioner claims to be the owner and in possession and occupation of land to an extent of Ac.0.07 gts., in Sy.No.695/E and Ac.0.14 gts., in Sy.No.693/E situated at Nirmal Town and District.

2. The petitioner now apprehends that the 5th respondent along with the 6th respondent is trying to alter the revenue records and mutate their names in place of the petitioner.

3. According to the petitioner, respondents 5 and 6 have got contacts in the Revenue Department and by using their contacts they are trying to effect changes in the revenue records concerning above properties. Having come to know of such efforts of respondents 5 and 6, he claims to have filed objection/representation dated 18.07.2019 and alleging inaction on the said representation, he filed the present writ petition.

4. From the contents of the representation dated 18.07.2019, stated to have been submitted by the petitioner, averments in the writ petition and the prayer in the writ petition, it is not stated why

petitioner is apprehending that the unofficial respondents are trying to mutate their names in the revenue records. It is not stated whether an application was already made by them and the same is under consideration.

5. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') deals with the various aspects of maintenance of revenue records. Under the Act, a person can apply for mutation of his name in place of the name already reflected in the revenue records. If an application is made to the Tahsildar, he is required to follow detailed procedure as prescribed in the Act and the rules made thereunder. Thus, even before the application is made and matter is under consideration by the Tahsildar, petitioner cannot file objections and allege inaction by the Tahsildar. As there is no such provision to entertain objections even before an application is made, Tahsildar cannot be directed to receive such application and to consider the objections. If an application is made by the third parties for mutation of their names in the revenue records and if Tahsildar does not follow the procedure and undertakes the mutation of third parties names in the place of petitioner on property claimed as owned by

the petitioner, it cannot be said that the petitioner is remediless. The writ petition is premature.

6. Accordingly, the writ petition is dismissed leaving it open to the petitioner to workout his remedies as available under the law when the cause of action arises. Pending miscellaneous applications, if any, shall stand closed.

Date: 14.10.2019
LSK

JUSTICE P.NAVEEN RAO

