HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 22911 of 2019

Date : 22.10.2019

Between:

Mohammad Chand Pasha S/o Mohammad Yousuf Muslim
Aged about 37 years OccNews reporter R/o H No 411082 Dag
Banglaw Korutla village and Mandal Jagitial District

Petitioner

And

The State of Telangana
Rep by its Principle Secretary Revenue
Secretariat Hyderabad & others

Respondents

The Court made the following:

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Revenue.

2. Aggrieved by the orders of the Tahsildar dated 12.7.2015 mutating the names of petitioners and others, 6th respondent filed appeal before the Sub Collector under Section 5-B of the Telangana Rights in Land and Pattadar Passbooks Act, 1971. The Sub Collector having noticed that the effect of the decree in O S No. 205 of 1980 was not properly considered and that he proceeded merely on a statement made by the applicants therein that the decree is fake, mutation proceedings were granted, therefore, that being a serious lacune, remitted the matter to the Tahsildar to conduct denovo enquiry by issuing notices to all parties. This order of the Sub Collector is impugned in this writ petition.

3. Learned counsel for petitioners submitted that primary grievance of the petitioners is that civil litigation is pending and injunction order was granted by the trial Court, therefore, proceedings before the Tahsildar are not maintainable at this stage. There is a mention made regarding pending suits but what is decided by the Sub Collector was with reference to the procedure followed by the Tahsildar before mutating the names of the persons who have filed application before him and according to Sub Collector, as procedure was not properly followed, he has set aside the decision of the Tahsildar to mutate and remitted the matter. Thus, it is always open to petitioners to

raise all objections as available in law, including the fact of pending suits inter-parties and interlocutory orders granted by the trial Court. Therefore, at this stage, this Court is not inclined to entertain the writ petition. Accordingly, writ petition is dismissed, granting liberty to petitioners to raise all objections as available to them under law. No costs. Miscellaneous petitions, if any pending, are closed.

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P NAVEEN RAO,J

DATE: 22-10-2019
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