

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23167 OF 2019

DATED :25.10.2019

Between :

Pasumarthi Veera Raghavulu,
S/o.Late Chinna Veeraiah, Aged 62 yrs,
R/o.Dammapeta (V) & (M),
Bhadradri Kothagudem Dist.

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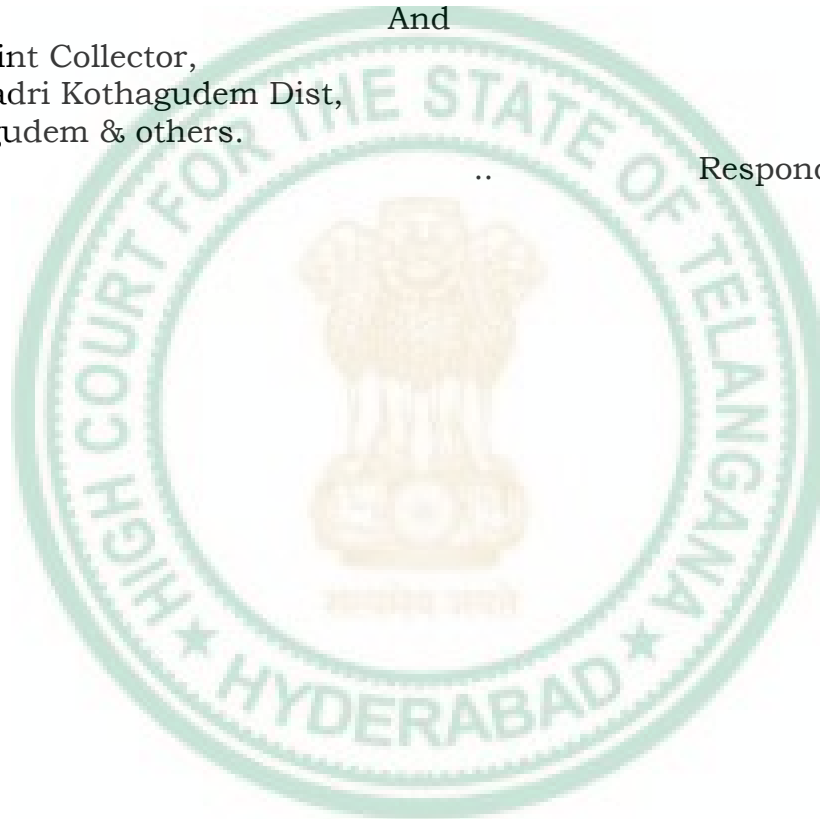
Petitioner

And

The Joint Collector,
Bhadradri Kothagudem Dist,
Kothagudem & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 to 3 and Sri K. Jagannadha Rao, learned counsel for respondent No.4.

2. Petitioner preferred appeal before the Revenue Divisional Officer (RDO), challenging the mutation granted in favour of 4th respondent. The RDO having found that the status-quo order is operating on the subject property mutation of his name in the revenue records in the year 2002-2003 in respect of land admeasuring Ac.5-23 guntas in Sy.No.529 of Dammapeta Village was erroneously made and that he could not have got entered his name in the revenue records for the year 2002-03, dismissed the appeal and also ordered to delete the name of petitioner in the pahanies from the year 2002-03. Aggrieved thereby, petitioner preferred revision. The revisional authority by the order impugned in this writ petition, affirms the decision of RDO.

3. According to learned counsel for the petitioner, on the same subject property petitioner instituted O.S.No.12 of 1990 on the file of Junior Civil Judge, Sathupalli. Initially there was an injunction granted by the competent court. But the suit was dismissed on 24.11.1997. Aggrieved thereby, petitioner preferred A.S.No.01 of 1998. The said appeal was allowed by judgment dated 28.03.2001. He would therefore, submit that in terms thereof petitioner is entitled to mutate his name in the revenue records and therefore, mutation carried out is valid. He further submits that the revenue

authorities erroneously and without issuing notice to the petitioner mutated the name of 4th respondent in the pahanies for the year 1998-99 and the same is illegal and in clear violation of Section 5 (3) of the Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971'). In support of the said contention, he placed reliance on the judgment of Full Bench of this Court in **“Chinnam Pandurangam Vs Mandal Revenue Officer, Serlingampally Mandal, Ranga Reddy District and others¹”**. He would further submit that the entire exercise of mutating the name of 4th respondent in the year 1998 was erroneous and the subsequent action of mutating the name of petitioner is justified or else the earlier mutation being ex-facie illegal cannot stand in favour of the 4th respondent.

4. In normal circumstance the procedure as envisaged in Section 5 (3) of the Act 1971, is required to be followed and there is no quarrel with reference to the proposition of law. But the fact remains that there was litigation pending which was instituted by petitioner praying to grant perpetual injunction against 4th respondent, and the said suit was dismissed on 24.11.1997. Apparently, there was no injunction granted by the appellate court on the mutation carried out in favour of 4th respondent. Though, the appellate suit was decreed in favour of the petitioner on 28.03.2001, soon thereafter, S.A.No.323 of 2001 was preferred by the 4th respondent and this Court granted order of Status-quo with regard to suit schedule property prevailing as on that date. Thus, on that date whatever was the position with reference to all aspects of suit schedule property, ought to be maintained. That being so,

¹ 2007 (6) ALD 348 (FB)

in March, 2002 the name of petitioner was mutated. Thus, after the status-quo order by second Appellate Court, the question of mutating the name of petitioner based on the decree granted by the first appellate court was erroneous and this is what is held by the RDO and affirmed by the revisional authority.

5. Learned counsel for the petitioner sought to contend that the mutation proceedings under the Act, 1971 are independent and status-quo order cannot come in the way of mutation proceedings being carried out. I am afraid I cannot appreciate such contention. When there is an order of status-quo granted by this Court in S.A.No.323 of 2001 concerning the suit schedule property, all aspects concerning the property should remain as they stand on that date and as admittedly, mutation was carried out in favour of petitioner, after the order of status-quo dated 27.04.2001, the RDO and Joint Collector have taken a correct view or else they would have been hauled up for violating the orders of this Court. Thus, there is no merit in the writ petition and the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. However, this order does not come in the way of petitioner working out his remedies in the S.A.No.323 of 2001. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

25th October, 2019

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