

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23775 OF 2019

Date:31.10.2019

Between:

Mr. Asireddy Bal Reddy, S/o. Hanmanth
Reddy, R/o. Renikunta Village, Rajapeta
Mandal, Yadadri Bhuvangiri District,
Erstwhile Nalgonda

.. Petitioner

And

The Government of Telangana, rep.,
by its Principal Secretary, Revenue,
TS Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

2. According to petitioner, he and the unofficial respondents are blood relations and have joint properties. While so, O.S.No.28 of 2013 in the Court of the Senior Civil Judge, Bhongir, was filed by the 5th respondent along with two others praying to grant decree of partition of the joint family properties. But, the said suit was dismissed as not pressed on 05.09.2017. It appears, there were registered gift settlement deeds executed on 09.10.2014 in the office of the Sub Registrar, Yadagirigutta. Praying to declare the said gift settlement deeds as null and void, petitioner filed O.S.No.133 of 2017 in the Court of the V Additional District Judge, Bhongir at Nalgonda and the said suit is pending. Petitioner now apprehends that even though the suit is pending, the unofficial respondents are making efforts to get their names mutated in the revenue records and in such an event, grave prejudice would cause to the petitioner.

3. In support of the contention that serious attempts are made to mutate the names of the unofficial respondents, learned counsel for the petitioner placed reliance on the proceedings of the Tahsildar, Rajapet, dated 28.09.2019. He would further submit that a reading of the said proceedings would disclose that the Tahsildar was inclined to decide the issue of mutation, if all parties come before him. During the hearing, learned counsel for the

petitioner also referred to the letter written by the Revenue Divisional Officer, Bhongir, dated 14.10.2019, in support of his contention that serious efforts are made to mutate the names of unofficial respondents in the revenue records.

4. From the correspondence of Tahsildar, dated 28.09.2019 addressed to the Revenue Divisional Officer, it is apparent that the Tahsildar was not accepting the request of mutation, but he only observed that since even in the suit, they were asking division of the property into seven portions, if both parties come before him for resolution of the issue, then he would be inclined to take up the matter. In other words, the Tahsildar has not agreed to the request for mutation. From the letter of the Revenue Divisional Officer, dated 14.10.2019, it is apparent that the request was directly made to the Revenue Divisional Officer alleging that no action is taken by the Tahsildar and therefore he should interfere in the matter. The Revenue Divisional Officer was also informed about the pendency of the civil case in the Court. Therefore, as no appeal is pending in the office of the Revenue Divisional Office, the Tahsildar was directed to take necessary action on the application filed by Mr. Asireddy Ram Reddy duly following the procedure under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971.

5. As of now, no fresh notice is issued to the petitioner. Therefore, at this stage, it cannot be assumed that the Tahsildar would straight away undertake the process of mutation taking into consideration the letter of the Revenue Divisional Officer behind the back of the petitioner, more particularly when he has already

noted in his letter addressed to the Revenue Divisional Officer that he is not inclined to accept the request of mutation unless all the parties come together for resolution of the dispute. Therefore, the cause in the Writ Petition is premature.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as and when an adverse decision is made by the Tahsildar without following due process. Pending miscellaneous petitions, if any, shall stand closed.

Date:31.10.2019

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P.NAVEEN RAO, J

