

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 23565 of 2019

Date: 12.11.2019

Between :

Smt.Kusuma Mamatha

Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Revenue Department,
Hyderabad and others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioner and learned Government Pleader for Revenue and perused the record.

2. Petitioner claims to be owner and in possession of land to an extent of Ac.4.15 guntas in Sy.No.74 of Indugula revenue village, Madugulapally mandal, Nalgonda district. Petitioner executed registered sale deed in favour of respondents 5 and 6. According to petitioner, since sale consideration amount was not paid, she filed suit in O.S.No.21 of 2017 on the file of Senior Civil Judge, Miryalaguda for recovery of the said sale consideration. It appears that respondents 5 and 6 also filed suit in O.S.No.339 of 2017 on the file of Junior Civil Judge, Nalgonda for perpetual injunction. It appears, in both the suits, no injunction orders were granted and said suits are pending consideration before the respective Courts.

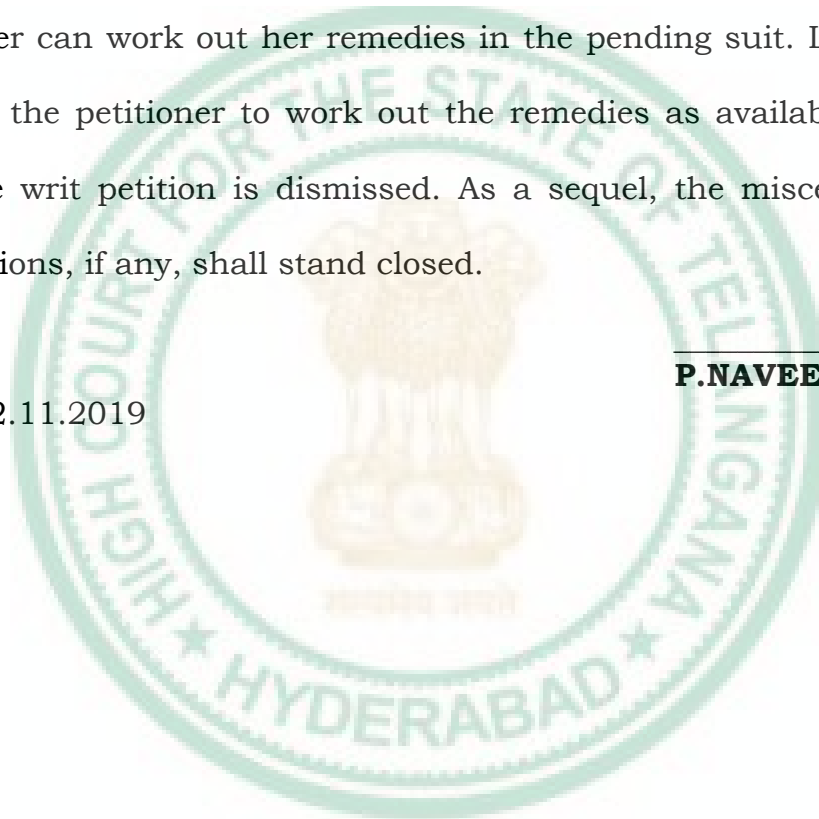
3. Based on the registered sale deed, respondents 5 and 6 applied for mutation and for grant of pattadar passbook and title deed in respect of above extent of land. Initially, the Tahsildar refused to accede to their request, informing them that civil suits are pending, but later, Tahsildar, passed orders and issued 1B proceedings on 26.9.2019 in favour of respondents 5 and 6 and also issued pattadar passbooks. According to petitioner, the order of the Tahsildar is not valid in law and the Tahsildar could not have issued 1B proceedings when civil suits are pending.

4. Admittedly, petitioner sold the subject property by way of registered sale deed. Even according to petitioner, the suit filed by

her is for recovery of money as part of sale consideration. Be that as it may, no injunction is granted by the trial Court where the suit is pending. Based on a registered sale deed, when a request is made to Tahsildar for mutation, the Tahsildar cannot refuse to accept the said request merely on the ground that civil suits are pending with reference to recovery of money. Therefore, I do not see any illegality in the decision of the Tahsildar in issuing 1B certificate calling interference of this Court at this stage, more so, when the petitioner has an effective and efficacious remedy in the form of appeal. Petitioner can work out her remedies in the pending suit. Leaving it open to the petitioner to work out the remedies as available under law, the writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date: 12.11.2019
DA

P.NAVEEN RAO,J



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