

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24707 OF 2019

Date: 11.11.2019

Between:

Addanki Sangaiah S/o.Chandraiah,
Aged about 60 yrs, Occu : Agriculture,
R/o.Captain Banjara Village,
Kamepalli Mandal, Khammam District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary (Revenue),
Secretariat, Hyderabad & 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 respondents 1 to 4.

2. Petitioner claims that he is the owner and in possession of land approximately to an extent of Ac.8-00 in Sy.No.420 having sub-divisions in Kachirajugudem Village, Khammam Rural Mandal, Khammam District. Petitioner earlier sold two extents of land i.e., Ac.4-20 guntas in Sy.No.413/A and Ac.2-02 guntas in Sy.No.410/E to Addanki Venkateswarlu, Duggirala Venkata Narasamma, Karumanchi Yadagiri and Chinnela Srinu. However, those persons tried to interfere with the possession of petitioner on an extent of Ac.3-20 guntas in Sy.No.410/E, 410/ru and 413/A. Aggrieved by such interference, petitioner instituted O.S.No.769 of 2006 on the file of Principal District Munsif, Khammam and the same was decreed. In spite of the decree granted, as the defendants therein were interfering with the possession of petitioner, he filed E.P.No.248 of 2012, but the same was rejected on 08.09.2017. Aggrieved thereby petitioner preferred C.R.P.No.645 of 2018 and the same is pending consideration of this Court.

3. Petitioner now apprehends that the respondents 5 and 6 herein are trying to mutate their names in the revenue records who are in the process of preferring application before the Tahsildar. Having come to know of such move by the respondents 5 and 6, petitioner submitted representation to various authorities including District Collector and Tahsildar

requesting them not to entertain application for mutation of names of respondents 5 and 6 in the revenue records as C.R.P.No.645 of 2018 is pending in the High Court. Alleging inaction on the said representation, this writ petition is filed.

4. From the material averments and various representations made, it is apparent that Petitioner was not issued pattadar pass book and title deed on Ac.3-20 guntas of land which appears to be the disputed property between petitioner and respondents 5 and 6. That being so, petitioner has to work out his remedies, against alleged illegal interference on the land belonging to him, before appropriate Court.

5. With reference to the prayer in the representation dated 15.10.2019, it is apparent that on apprehension, petitioner seeks direction to the Tahsildar not to entertain applications for mutation. No such direction can be given. As per the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short the 'Act 1971') and the Rules made thereunder, whenever application is made for mutation, the Tahsildar cannot refuse to receive the same. He has to receive and process strictly in accordance with the provisions of the Act, 1971 and the Rules. Even before application is made, no direction can be issued to the Tahsildar not to entertain application. It cannot be said that petitioner is remediless, if Tahsildar acts contrary to the mandate of Act, 1971 and the Rules and mutates the names of persons who are not entitled. Therefore, this Court is not inclined to grant the relief as sought for in the writ petition.

6. Writ Petition is accordingly dismissed as premature, leaving it open to the petitioner to work out his remedies, as available in law. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

11th November, 2019
Rds

