

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24852 OF 2019

Date: 13.11.2019

Between:

Udari Lavanya w/o. Shekar, Aged about 24 years,
Occu: Household, r/o. 1-4-229, Tata Nagar,
Bhuvanagiri Town and Mandal, Yadadri
Bhuvangiri District, Telangana State.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Revenue Department, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

According to the petitioner, land to an extent of Ac.1.15 guntas in Sy.No.686/A of Bhuvanagiri Revenue Village and Mandal, Yadadri Bhuvanagiri District, is an ancestral property. Father of the petitioner, 3rd respondent; sister of the petitioner, 4th respondent; and the petitioner succeeded to the property and petitioner is entitled to 1/3rd share of the said property. While so, without informing the petitioner, father of the petitioner sold the property to the 5th respondent. Thereafter, 5th respondent sold the very same property to the respondents 6 to 10. Petitioner now alleges that she filed O.S.No.75 of 2019 pending in the Court of Junior Civil Judge at Bhongir praying to grant declaration to cancel the registered sale deed of the year 2008, executed by the respondents in favour of respondent no.5, and to partition the joint family property and to apportionate 1/3rd of the said property to the petitioner. According to petitioner, said suit is pending. While so, petitioner apprehends that respondents 6 to 10 are now making efforts to enter their names in the revenue records and in such an event, grave prejudice would be caused to the petitioner. According to the learned counsel for petitioner, since suit is pending, pending litigation no sale transactions can take place.

2. Petitioner filed representation on 04.06.2019 to the Tahsildar requesting him not to entertain any application for mutation in view of the pendency of the suit. Alleging that no action is taken on the objection filed and attempts are being made

to mutate the names of respondents 6 to 10 in the revenue records, this Writ Petition is filed.

3. The prayer in the Writ Petition is, to issue direction to the Tahsildar not to make any mutation in favour of persons who may apply. As noted above, in the year 2008 property was sold by the respondents 3 and 4 in favour of 5th respondent and the 5th respondent in turn sold the property in favour of respondents 6 to 10 on 29.04.2019, and the suit was instituted thereafter. No injunction is granted in the pending suit. There is no provision in the Telangana Rights in Land and Pattadar Pass Books Act, 1971 or the Rules made there under, which requires taking of objections even before an application is filed for mutation. Even other wise the relief sought in the Writ Petition cannot be granted at this stage. Thus, Writ Petition is liable to be dismissed and is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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