

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24997 OF 2019

Date: 14.11.2019

Between:

Kommu Purushoham S/o.K.Ramnarasiah,
Aged about 63 yrs, Occu : Agriculure,
R/o.Mahabubabad Town and District

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department, 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 and 2.

2. Petitioner claims to be the possessor of land to an extent of Ac.3-00 guntas and in adjoining land to an extent of Ac.2-00 in Sy.No.232/A, V.S.Laxmipur Village, Mahabubabad District. Petitioner claims that by virtue of oral partition, he got Ac.3-00 of land. However, in September 2017, the unofficial respondents canvassed claiming the property as belonging to them. He therefore, instituted O.S.No.80 of 2017 in the Court of Senior Civil Judge at Mahabubabad, praying to grant decree to declare him as owner of suit schedule land and consequently, to grant perpetual injunction against the defendants. The suit was partly decreed by judgment dated 09.07.2019. Based on the said decree granted in his favour, petitioner applied to the Tahsildar, requesting him to mutate his name in the revenue records in accordance with the decree granted by the trial Court. The said request of the petitioner was rejected by the Tahsildar, vide his Memo dated 22.10.2019, impugned in this writ petition, informing him that except the decree copy, he has not submitted any other documents and just basing on a decree copy, he cannot undertake mutation exercise. Therefore, requested him to produce all the relevant material and informed him that on due consideration and conducting physical inspection, appropriate action will be taken.

3. Learned counsel for the petitioner contends that in view of the decree granted in favour of petitioner, the Tahsildar has no competence to ask to supply other material and he is bound to comply with the decree granted in favour of petitioner. He further contends that in the civil Court petitioner has filed all the relevant documents which are marked as Exs.A.1 to A.19 and on perusal of the said documents only, decree was granted in favour of petitioner.

4. A perusal of the judgment and decree passed by the trial Court, it is seen that though petitioner sought for decree to declare him as owner of suit schedule land and to grant perpetual injunction, the claim of petitioner that he is the owner of property is not accepted and the trial Court held that defendant No.1 in the suit is the pattadar. However having recognized the possession of petitioner, the Court observed that the defendant No.1 cannot dispossess the petitioner without following the due process.

5. In view thereof, a limited relief of injunction was granted in favour of plaintiff therein, whereas in the application submitted to the Tahsildar, petitioner wanted mutation of his name in the revenue records on all aspects, though the trial Court recognized defendant No.1 therein as the pattadar. Petitioner has to follow due process to apply for mutation of his name in the revenue records by satisfying the Tahsildar that he has succeeded to the property and relevant documents have been produced by him, in support of his claim. I therefore, do not see any error in the Memo impugned in the writ petition, warranting interference by this Court.

6. Thus, granting liberty to the petitioner to go before the Tahsildar, with all supporting documents for mutation of his name, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

14th November, 2019
Rds

