

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26971 OF 2019

Date: 06.12.2019

Between:

Chinna Lakshmani Suguna, w/o. late Anantaiah,
Aged about 43 years, H.No.2-88, Jaidupalli village,
Dharoor Mandal, Vikarabad district and others.

.....Petitioners

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 deponent, her grandfather by name Ramaiah was having land to an extent of Ac.1.20 guntas in Sy.No.24/A; Ac.4.18 guntas in Sy.No.25/A; Ac.6.01 guntas in Sy.No.26/AA of Nagasanpalli village, total extent of Ac.12.00 guntas partly, and the rest of Ac.11.39 guntas is enjoyed by him, having total extent of Ac.24.00 guntas. Petitioners allege that 5th respondent occupied Ac.11.39 guntas, got his name mutated in the revenue records and obtained pattadar pass books and title deeds. All this exercise was undertaken beyond back of the petitioners. According to the petitioners, 5th respondent is no way concerned with their family and, therefore, question of mutating his name in the revenue records on the property belonging to the family is not valid in law.

2. As there was no response to the several representations made over a period of time, petitioners filed application before the State Human Rights Commission, Hyderabad, which assigned as HRC No.955/2018. In response to the notice issued, the District Collector filed report before the Commission. The District Collector stated that there was a mistake in issuing pattadar pass book and they would be issued in due course of time.

3. Learned counsel for petitioners submits that having given such promise, so far pattadar pass books are not issued, by deleting the name of 5th respondent in the revenue records, causing hardship to the petitioners.

4. The material on record and various representations would disclose that there are two different issues. According to the petitioners, their grandfather owned Ac.12.00 guntas of land in three different survey numbers and was also in possession of land to an extent of Ac.11.39 guntas. This Ac.11.39 guntas of land changed hands to the 5th respondent. From the representation made by the 1st petitioner on 16.09.2013, it is apparent that 1st petitioner was complaining against the mutation of name of 5th respondent long ago. It was alleged that by threatening the parents of 1st petitioner, 5th respondent got his name mutated in the revenue records. It is further alleged that he changed his surname only to grab their property, but he is no way concerned with their family. Thus, it is apparent that much before 16.09.2013 mutation exercise was taken up.

5. Petitioners continued to agitate by going before the revenue authorities to change the mutation records. When they themselves admit that change in the mutation records has occurred at the instance of their parents, whether it was with force or otherwise is a different issue, that has to be gone into in appropriate proceedings. As can be seen from the letter of District Collector dated 23.06.2018 addressed to the Human Rights Commission, he was dealing with Ac.12.03 guntas of land in survey numbers mentioned in the affidavit, which is entirely different from the other extent which stands in the name of 5th respondent. Therefore, two things cannot be clubbed. Not granting pattadar pass books on the above extents of land is different from the mutation of the name of 5th respondent in the revenue records. If petitioners have grievance on false claim made by the 5th respondent and knocking

away the property belonging to the family by claiming himself as one of the family members, remedy is elsewhere. Writ Petition is dismissed, leaving it open to petitioners to work out their remedy in accordance with law. Pending miscellaneous petitions shall stand closed.

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