

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 26196 OF 2019

Date: 27.11.2019

Between:

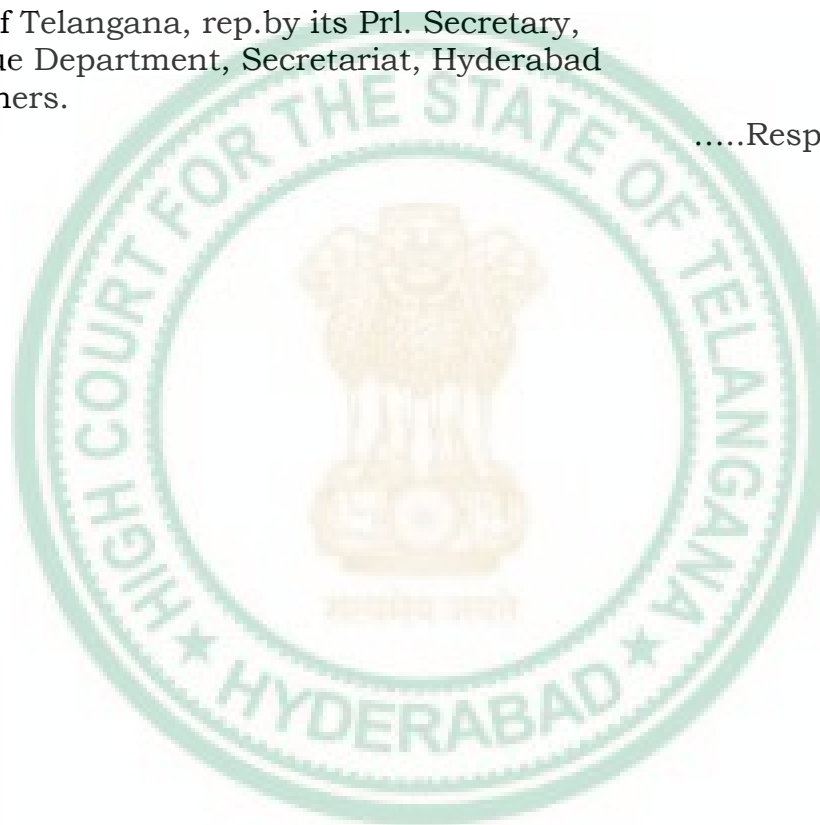
Sajid Baig Mirza, s/o. Siraj Baig Mirza,
Aged about 37 years, occu: Business,
r/o. H.No.4-2-172, NTPC, Medipally Road,
Ramgundam Mandal, Peddapally district
and another

.....Petitioners

and

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:

Based on the Agreement of Sale-cum-General Power of Attorney registered on 09.04.2018, petitioners filed application before the Tahsildar to mutate their names in the revenue records concerning the land to an extent of Ac.0.18 guntas of land in Sy.No.15/4; Ac.1.39 guntas in Sy.No.20/3; and Ac.1.28 guntas in Sy.No.21/3 of Seetharampally village of Naspur Mandal. On 03.11.2019, the Tahsildar informed the petitioners that in Online pahani records, the name of Sri. Ramtenki Chinna Lingaiah, s/o. Durgaiah is reflected, and Ramtenki Lingamma w/o.Chinna Lingaiah filed appeal before the Revenue Divisional Officer.

2. Learned counsel for petitioners contends that the reasons assigned are not valid. Further, even assuming that appeal is preferred by Smt. Ramtenki Lingamma against the report of the Tahsildar, when the report of the Tahsildar is clearly indicates the name of petitioners, but appeal was preferred without impleading the petitioners, the appeal is not maintainable and the Tahsildar ought to have considered this aspect.

3. Admittedly, decision was made by the Tahsildar on the issue of mutation claim. Against the decision of Tahsildar, remedy of appeal is available to them under Sections 5 (5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971. When remedy of appeal is available, the Court is not inclined to entertain the Writ Petition. With reference to the contention of the learned counsel for petitioners, petitioners can as well raise said objection in their

appeal or it is always open to them to file application to implead in the pending appeal bearing No.G/3085/2019 before the Revenue Divisional Officer. Thus, granting liberty to petitioners as above, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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