

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 26940 of 2019

Date: 5.12.2019

Between :

Vakiti Padma and another.

Petitioners

And

State of Telangana, rep. by its
Principal Secretary to Government
Revenue Department,
Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioners and learned Government Pleader for Revenue for respondents.

2. Petitioners allege that while O.S.No.191 of 2018 filed to grant decree of partition is pending before the Senior Civil Judge, Bhongir in respect of land to an extent of Ac.2-19 guntas in Sy.Nos.325/5, 326/5 and land admeasuring Ac.1-37 guntas in Sy.No.322/5, 332/5, 333/5, 334/5 and 335/A1 of Bommalaramaram village and mandal, Yadadri-Bhongir district, the 4th respondent-Tahsildar and 5th respondent-Village Revenue Officer are trying to mutate the names of respondents 7 to 10 in respect of the above said property.

3. According to petitioners, 1st and 2nd petitioners are own sisters, 6th respondent is their father and 7th respondent is brother and 8th respondent is wife of 7th respondent, respondents 9 and 10 are subsequent purchasers of pending suit schedule property. The grievance of the petitioners in the present writ petition is that pending the suit, the respondents 4 and 5 are trying to mutate the names of respondents 7 to 10 in the revenue records. In other words, the prayer in the writ petition is in the form of preemptive action to direct the Tahsildar not to entertain application for mutation.

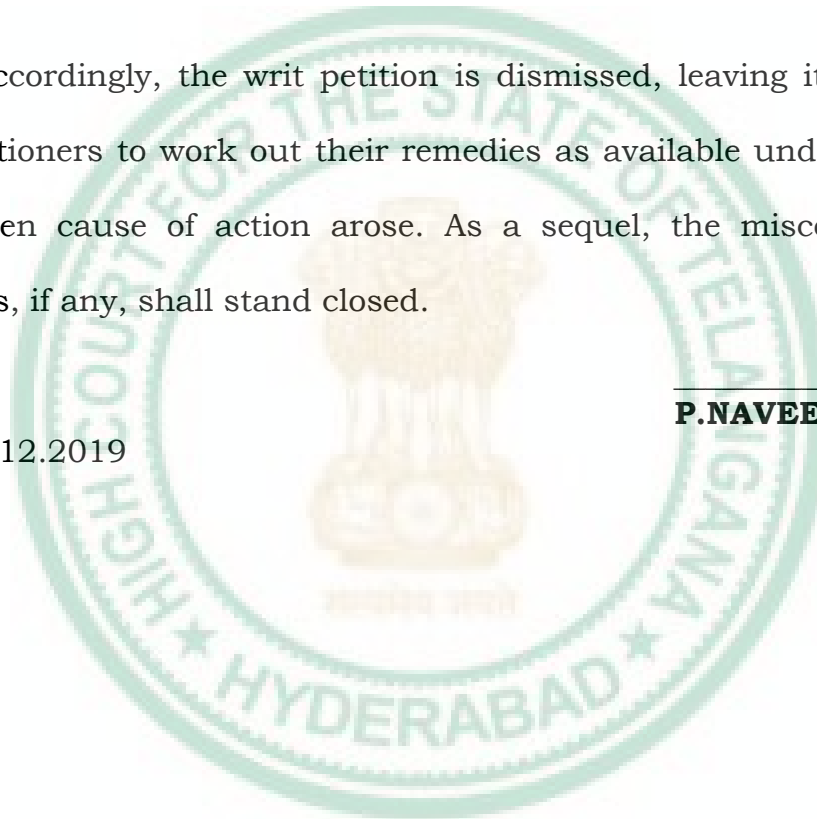
4. The Telangana Rights in Land and Pattadar Pasbooks Act, 1971 and the Rules made thereunder envisage a detailed procedure for correction/alteration of revenue records. Whenever an application is made with supporting documents to mutate the name

of a person in the revenue records, the Tahsildar has to receive such application and shall pass appropriate orders in accordance with the Act and the Rules made thereunder. The prayer in the writ petition is nothing but to restrain the Tahsildar to entertain such application which is contrary to statutory mandate. No such direction, which would take away the right of a person, can be issued. Moreover, petitioner is not remediless if illegal procedure is followed by Tahsildar. The writ petition is premature and is liable to be dismissed.

5. Accordingly, the writ petition is dismissed, leaving it open to the petitioners to work out their remedies as available under law as and when cause of action arose. As a sequel, the miscellaneous petitions, if any, shall stand closed.

Date: 5.12.2019
DA

P.NAVEEN RAO,J



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