

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Writ Petition No.7564 of 2017

and

Interlocutory Application No.1 of 2018

in

Writ Petition No.37063 of 2016

and

Writ Petition No.37063 of 2016

COMMON ORDER :

Heard the counsel for petitioner in both the Writ Petitions, and the learned Government Pleader for Revenue for respondent nos.1 to 3 and Sri Gajanand Chakravarthi, counsel for 4th respondent.

2. One Bheemaiah, who is the husband of 4th respondent in Writ Petition No.37063 of 2016 had been assigned land admeasuring Acs.2.20 guntas in Survey No.353/2 situate at Gudipet Village of Hajipur Mandal. Subsequently, the said Bheemaiah died.

3. Not only the 4th respondent in Writ Petition No.37063 of 2016 is his legal heir, but the petitioner, who is the widowed – daughter-in-law of the deceased Bheemaiah, *prima facie*, also appears to be a legal heir.

4. Though mutation was initially effected in favour of petitioner in both the Writ Petitions by the Tahsildar, Mancheri on 15.08.2016, when the 4th respondent in Writ Petition No.37063 of 2016 approached the 2nd respondent by way of appeal, without notice to

petitioner by proceedings dt.18.08.2016, the mutation of the name of petitioner in the Revenue Records in respect of the subject land, was cancelled.

5. This was questioned by the petitioner in Writ Petition No.37063 of 2016.

Writ Petition No.7564 of 2017

6. In Writ Petition No.7564 of 2017, the petitioner's grievance is that petitioner had applied on 19.12.2016 for mutation *online* and for issuance of *e-pattadar* pass books and title deeds in respect of the subject land, and that the same had not been issued to her by the Tahsildar, Hajipur Mandal, Mancherial District (Old Adilabad District).

7. On 31.10.2016, there was an interim suspension of the order dt.18.08.2016 passed by the 2nd respondent in Writ Petition No.37063 of 2016.

I.A.No.1 of 2018 in Writ Petition No.37063 of 2016

8. Interlocutory Application No.1 of 2018 in Writ Petition No.37063 of 2016 is filed by the 4th respondent to vacate the order dt.31.10.2016 passed in Writ Petition No.37063 of 2016.

Consideration by the Court :

9. The 4th respondent's counsel did not dispute the fact that the impugned order was passed by the 2nd respondent without issuing

notice to petitioner, and that there has been a violation of principles of natural justice in canceling the mutation orders passed by the Tahsildar, Mancheri in favour of petitioner.

10. In this view of the matter, Writ Petition No.37063 of 2016 is allowed. The order dt.18.08.2016 in Proc.No.g/4727/2016 of the 2nd respondent therein is set aside. The matter is remitted back to the 2nd respondent to issue notice to both petitioner and 4th respondent, and then decide the question of mutation in respect of the said land after hearing both sides in accordance with law. The 2nd respondent shall decide the said matter within eight (08) weeks from the date of receipt of copy of the order.

11. Consequently, Interlocutory Application No.1 of 2018 in Writ Petition No.37063 of 2016 which was filed by the 4th respondent to vacate the order dt.31.10.2016 passed in Writ Petition No.37063 of 2016 is dismissed.

12. Depending on the result of the said enquiry, to be conducted by 2nd respondent in Writ Petition No.37063 of 2016, mutation in the Revenue Records including *online* entries shall be made by respondent nos.1 to 3.

13. Accordingly, Writ Petition No.7564 of 2017 is disposed of. No order as to costs.

14. As a sequel, miscellaneous petitions pending if any in these Writ Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24.09.2019

Ndr/*

