HONOURABLE SRI JUSTICE P.NAVEEN RAO

<u>WRIT PETITION NO.29176 OF 2019</u>

<u>Date: 02.01.2020</u>

<u>Between:</u>

Kammari Venkatesham, s/o. Simhachary,
Aged 44 years, occu: Agriculture,
r/o. Regode village and mandal, Medak
district, Telangana State and two others.

.....Petitioners

and

The State of Telangana, rep.by its
Prl. Secretary, Revenue Department,
Secretariat Building, Hyderabad and
others.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Against mutation proceedings granted in favour of petitioners, the father of 7^{th} respondent and the grand father of 6^{th} respondent preferred appeal before the Revenue Divisional Officer. By order dated 08.9.2019, the Revenue Divisional Officer allowed the appeal and the Mandal Revenue Officer was directed to delete the names of the respondents from the survey numbers concerned and to include the name of the petitioner therein. Aggrieved thereby, petitioners herein preferred revision before the Joint Collector. By order dated 18.04.2018 the Joint Collector confirmed the decision of the Revenue Divisional Officer. Petitioners filed W.P.No.9415 of 2019. According to the learned counsel for petitioners, said writ petition is pending before this Court and no interim order is granted. It is thus clear that orders passed by the Revenue Divisional Officer, confirmed by the Joint Collector is subsisting and in terms thereof, petitioners names cannot be reflected in the revenue records and the names of unofficial respondents would be reflected. By proceedings dated 18.11.2019, the Tahsildar passed orders to mutate the names of those persons in terms of the earlier orders. Petitioner filed this Writ Petition challenging the mutation.

2. Having regard to the fact that the order of the Revenue Divisional Officer, confirmed by the Joint Collector, is standing in favour of the unofficial respondents, I do not see any error in the mutation proceedings now passed. Learned counsel for petitioners submits that petitioners have been in possession and by virtue of

the present orders, the possession will be disturbed. Learned counsel for the petitioners also sought to contend that before passing orders on 18.11.2019, no notice was issued. Having regard to the orders of the Revenue Divisional Officer, confirmed by the Joint Collector and in terms thereof, the names of unofficial respondents have to be mutated, which exercise ought to have been undertaken by the Tahsildar long ago, the orders of Tahsildar cannot be vitiated on that ground also. This is the subject matter to be considered in the pending W.P.No.9415 of 2019.

3. *Prima facie,* I do not see any error in the proceedings of the Tahsildar in mutating the names of unofficial respondents in view of the earlier orders of the Revenue Divisional Officer, confirmed by the Joint Collector. At any rate, any such mutation exercise shall ultimately abide the result of W.P.No.9415 of 2019. Petitioners can as well move appropriate application in the pending writ petition. The present order of the Tahsildar cannot give rise to fresh cause of action as is in continuation of the earlier orders of the Revenue Divisional Officer, confirmed by the Joint Collector, which is the subject matter in pending writ petition. Leaving it open to petitioners to workout their remedies in the pending writ petition, this Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 02.01.2020
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HON’BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20176 OF 2019

Date: 02.01.2020

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