

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29220 OF 2019

Date:06.01.2020

Between:

Kondapalli Bhadramma, W/o. Sagar Reddy,
Aged about 60 years, Occ: Household,
R/o.H.No.1-7-125/11/1/2/4/1, Vidyanagar,
Road No.6, Suryapet, Suryapet District
and others

.. Petitioners

And

State of Telangana, rep., by its
Principal Secretary, Department of
Revenue, Secretariat Buildings, Hyderabad
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.29220 OF 2019****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 4 and Sri P. Sridhar Reddy, learned counsel for respondents 5 and 6.

2. The unofficial respondents herein filed application for mutation of their names in the revenue records in respect of land to an extent of Ac.1.28 guntas in Survey No.180 of B. Madharam Village, Suryapet Mandal, by placing reliance on the registered sale deeds executed in their favour. In response to the said application, the Tahsildar, Suryapet Mandal, addressed letter dated 17.07.2013 to the Revenue Divisional Officer, Suryapet, eliciting his orders as to whether such a request can be accepted when two civil suits are pending concerning the very same land. The Revenue Divisional Officer, by his Memo dated 17.09.2013, directed the Tahsildar not to undertake the mutation proceedings until the civil disputes are cleared. Aggrieved thereby, the unofficial respondents preferred revision before the Joint Collector, Suryapet District. By order dated 07.12.2019, impugned in the writ petition, the Joint Collector held that the decision of the Tahsildar in addressing a letter to the Revenue Divisional Officer requesting to give guidance on the issue and his consequential decision directing the Tahsildar to hold up his hands on the claim for mutation since civil disputes are pending is not valid in law. While that being so, the Joint Collector also went further and ordered that revision petitioners are entitled for

mutation of their names in the revenue records and issued directions to the Tahsildar to mutate their names.

3. As briefly noticed above, the request of the unofficial respondents for mutation is yet to be considered by the Tahsildar. The Tahsildar is the initial authority competent to entertain the application for mutation and to take appropriate decision strictly in accordance with the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 and the Rules made thereunder. The Tahsildar only relegated the applicants to work out their remedies in the pending suits. That being so and having observed that the decision of the Tahsildar following the advise of the Revenue Divisional Officer is not valid in law, the course available to the Joint Collector was to remand the matter to the Tahsildar to undertake the mutation proceedings on the application made by the unofficial respondents, but could not have decided the matter on his own. By doing so, the Joint Collector deprived the petitioners herein to contest the claim before the initial authority and/or avail remedies in the form of appeal and the revision. His decision is contrary to the statutory scheme. Even at the revisional stage, the revisional authority could not have straight away directed the Tahsildar to grant mutation proceedings. No such direction can be issued by a quasi-judicial authority restraining the exercise of discretion by the competent authority and tying his hands. Therefore, the order to that extent is not sustainable.

4. As both the learned counsel agree, the order of the Joint Collector, Suryapet District, is set aside and the matter is remanded to the Tahsildar, Suryapet Mandal. The Tahsildar is directed to undertake the mutation proceedings by putting on notice the respective parties, granting opportunity of hearing and considering all the claims made by both the parties and documents placed before the Tahsildar in support of their claim and take appropriate decision as warranted by law by assigning due reasons in support of his decision. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly allowed. Pending miscellaneous petitions shall stand closed.

Date:06.01.2020

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P. NAVEEN RAO, J