

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

**PRESENT
THE HONOURABLE SRI JUSTICE P NAVEEN RAO**

WRIT PETITION NO: 15697 OF 2021

Between:

Nuthalapati Nirmala, W/o Nuthalapati Ramesh Aged about 55 years, Occ. House wife
R/o H.No. 30-1614/4/7/1 SNE-98, Plot No. 35/1 Suryanagar Enclave, Road No.2, Near
Krupa Complex Ramakrishnapuram Post, Medchal, Medchal-Malkajgiri District. 500 056
...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue Department,
Secretariat Buildings, Hyderabad. 500 022.
2. The District Collector, Suryapet District, Suryapet
3. The Revenue Divisional officer, Suryapet Revenue Division, Suryapet District.
4. The Thasildar, Kodad Mandal, Nalgonda district.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent No.4 in not change or mutate the name of the petitioner in the revenue records in respect of Sy.No. 336 to an extent of Ac. 1-10 guntas situated at Chimiryala village of Kodad Mandal, Suryapet district is illegal, arbitrary contrary to law and violation of Articles, 300A of the Constitution of India and consequently direct the respondents No.3 and 4 to mutate the name of the petitioner in the revenue records duly modified the Sy.Nos. 336 instead of 335 while disposing of the Representation of the petitioner dated 9.8.2019

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the respondents 2 to 4 to dispose of the representation of the petitioner dated 9-8-2019 by duly change/mutate the name of the petitioner in the revenue records in respect of Sy.No. 336 to an extent of Ac. 1-10 guntas situated at Chimiryala village of Kodad Mandal, Suryapet district pending disposal of the Writ petition

Counsel for the Petitioner : SRI V.GANESH BHUJANGA RAO

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15697 of 2021

ORDER :

This writ petition is filed seeking the following relief :

"...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in not change or mutate the name of the petitioner in the revenue records in respect of Sy.No.336 to an extent of Ac.1.10 guntas situated at Chimiryala Village of Kodad Mandal, Suryapet District is illegal, arbitrary, contrary to law and violation of Articles, 300A of the Constitution of India and consequently direct the respondents No.3 and 4 to mutate the name of the petitioner in the revenue records duly modified the Sy.Nos.336 instead of 335 while disposing of the Representation of the petitioner dated 09.08.2019 and pass such other order or orders..."

2. Heard Sri V. Ganesh Bhujanga Rao, learned counsel for the petitioner and learned Assistant Government Pleader for revenue,

3. According to petitioner, Ac.1.10 guntas of land in Sy.No.336 of Chimiryala Village, Kodad Mandal, Suryapet District, belongs to her father late Mundra Venkata Ratnaiah. Late Mundra Venkata Ratnaiah executed registered Will in favour of petitioner on 11.08.2000 bequeathing the above extent of land in favour of petitioner. Petitioner instituted O.S.No.108 of 2008 in the Court of Junior Civil Judge, Kodad, Nalgonda District, praying to grant decree against the Mandal Revenue Officer, Kodad. The Mandal Revenue Officer did not contest the suit. The suit was decreed on 04.03.2009. The defendant was directed to enquire into the matter and if the property mentioned in the suit schedule property is found within the boundaries mentioned in the suit schedule in Sy.No.336 and further the defendant was directed to issue pattadar passbook and title deed as sought by the plaintiff. Thereafter petitioner made several representations to the Tahsildar requesting him to enforce the decree and to mutate her name in the revenue records. Alleging inaction, this writ petition is filed.

4. As admitted by petitioner in the affidavit filed in support of the writ petition, late Mundra Venkata Ratnaiah was having land in Sy.No.336 to an extent of Ac.1.10 guntas whereas in the registered Will deed the survey number noted was 335. If that being so, petitioner cannot ask the revenue authorities to mutate her name in the revenue records, based on the said Will deed on land in Sy.No.336.

5. Though learned counsel for the petitioner sought to place heavy reliance on the decree passed by the trial Court and contends that since the Mandal Revenue Officer was a defendant and as he did not contest the suit, the decree is binding on him and the same ought to have been implemented the same has no merit on two aspects.

6. Firstly, the trial Court directed examination of the issue with reference to land in Sy.No.336 and to issue pattadar passbook and title deed. Thus, issuing pattadar passbook and title deed is not automatic but subject to verification of revenue records in Sy.No.336. Admittedly, the Will deed does not speak about Sy.No.336 but speaks of Sy.No.335. It may be erroneous to mention Sy.No.335, but as it was not corrected and Will deed does not reflect Sy.No.336, petitioner cannot seek mutation of her name in Sy.No.336 of the revenue records, based on the Will deed executed in her favour.

7. Therefore, the action of revenue authorities in not undertaking change of mutation in the name of petitioner in Sy.No.336 to an extent of Ac.1.10 guntas cannot be faulted. Further the person whose name is reflected in the revenue records

against Sy.No.336 was not a party before the civil Court and is not made a party to this writ petition. If Court agrees with the contention of petitioner, it would amount to deleting the name of that person from the revenue records, which relief also cannot be granted in the absence of an opportunity afforded to the person whose name is shown in the revenue records. Writ Petition merits no consideration.

8. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to Sri V.Ganesh Bhujanga Rao, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies
4. One Spare Copy

Kj.



HIGH COURT

DATED:13/07/2021



ORDER

WP.No.15697 of 2021

DISMISSING THE WRIT PETITION.

⑥ VW
22/7/21