

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

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 15933 OF 2021

Between:

N. Venkat Ramulu, S/o N. Bandappa, Aged about 59 years, Occ: Retd employee,
R/o H. No. 8-3-228/1124/3, Rahmath Nagar, Yousufguda, Hyderabad, T.S.

...PETITIONER

AND

1. The State of Telangana, Reptd. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad
2. The District Collector, Vikarabad, Ranga Reddy District
3. The Revenue Divisional Officer, Vikarabad, Ranga Reddy District.
4. The Tahsildar, Doma Mandal, Vikarabad, Ranga Reddy District.
5. N. Sujatha, W/o late N. Ramesh Babu, Aged about 31 years, Occ housewife, R/o 2-5-16, Zaheerabad, Medak 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 any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents Nos. 2 to 4 herein for not considering petitioner's representation dated 13/11/2017, January 2018, 29/01/2018, 08/08/2018 and 03/06/2021 deleting the name of the 5th respondent and her husband's name and consequently direct the official respondents to continue the petitioner's mother's name as Pattadar in the revenue records in respect of land admeasuring Ac 03-06 guntas in Survey No.58, Patta No. 34, situated at Khammam Nacharam village, Doma Mandal, Vikarabad, Ranga Reddy District.

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 official respondents not entertain any third party sale transaction in respect of land admeasuring Ac 03-06 guntas in Survey No. 58, Patta No. 34, situated at Khammam Nacharam village, Doma Mandal, Vikarabad, Ranga Reddy District pending disposal of main writ petition.

Counsel for the Petitioner: SRI. V. DURGA NAGESWARA RAO

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15933 of 2021

ORDER :

This writ petition is filed praying to grant following relief:

"... to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent Nos. 2 to 4 herein for not considering petitioner's representation dated 13.11.2017, January 2018, 29.01.2018, 08.08.2018 and 03.06.2021 deleting the name of the 5th respondent and her husband's name and consequently direct the official respondents to continue the petitioner's mother's name as pattadar in the revenue records in respect of land admeasuring Ac 03-06 guntas in Survey No.58, Patta No.34, situated at Khammam Nacharam Village, Doma Mandal, Vikarabad, Ranga Reddy District in the interest of justice and pass such other order or orders..."

2. Heard Sri V. Durga Nageswara Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.
3. According to petitioner, his mother was the owner of land to an extent of Acs.3.06 guntas in Sy.No.58 of Khammam Nacharam Village, Doma Mandal, Vikarabad District. His mother acquired the above land on a gift given by her father at the time of her marriage as "Pasupu Kumkuma". Her name was mutated in the revenue records. Petitioner states that his mother was blessed with five children. She died on 14.03.2007. Petitioner claims that after the death of his mother, he is also entitled to a share in the land belonging to his mother. He further alleges that without apportioning his share, his elder brother by name Gangappa, mutated the name of his son N. Ramesh Babu, in the revenue records, causing great injustice and hardship to the petitioner. Petitioner further states that after the death of N. Ramesh Babu, the name of his wife N.Sujatha-5th respondent was mutated in the revenue records and authorities are now contemplating to issue pattadar passbook to the 5th Respondent. Petitioner also contends

that he made several representations against the illegal mutation of name of N. Ramesh Babu and that his name should also be mutated in the revenue records and also to include the property in the list of disputed properties.

4. In other words, the grievance of petitioner is that even though he is entitled to a share in the property standing in the name of his mother, his share was not determined and his name is not entered in the revenue records, causing hardship and suffering to him. The representation also highlights the same fact of alleged injustice caused to him by his brother and got the revenue records mutated in his name.

5. Though the averments in the affidavit and representation do not disclose exactly when the mutation exercise was undertaken, apparently, it must have been some time in the year 2007 or soon thereafter, after the demise of the mother of petitioner. It is not known why petitioner has not prosecuted his grievance to get a share in the joint family property in accordance with law instead of going before the Tahsildar-4th Respondent and other revenue officials who are not competent to decide the entitlement of his share in the property belonging to his mother. Since, N. Ramesh Babu name was already mutated, after his death his wife is entitled to seek mutation of her name in the revenue records. Thus, unless and until petitioner succeeds in establishing his right and claim over the property stood in the name of his mother in appropriate civil proceedings, he cannot ask the revenue authorities to change the entries in revenue records nor can prevent the revenue authorities from issuing pattadar passbook in

the name of the person, whose name is reflected in the revenue records.

6. Therefore, granting liberty to the petitioner to avail civil law remedy, if any, available, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

SD/- K.ONESIM
ASSISTANT REGISTRAR

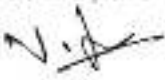
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SECTION OFFICER

To,

1. One CC to Sri V. Durga Nageswara 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

CHR
SJ



HIGH COURT

DATED:15/07/2021

ORDER

W.P.No.15933 of 2021



DISMISSING THE WRIT PETITION
WITHOUT COSTS

⑥ VLV
3/8/21