

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.31026 of 2015

ORDER:

Heard.

The petitioner sought Occupancy Right Certificate and complaining of inaction on the part of the 3rd respondent had approached this Court in W.P.No.9699 of 2014. This court disposed of the said writ petition on 09-04-2014, directing the 3rd respondent to conduct appropriate enquiry, after notice to all the persons affected and pass orders expeditiously, preferably by the end of August, 2014. The 3rd respondent has thereafter, considered the petitioner's application and by order, dated 18-09-2014 has rejected the petitioner's request for grant of Occupancy Right Certificate. Aggrieved thereby, the petitioner has already preferred an appeal on 04-10-2014 and the same is pending before the Joint Collector, Adilabad. While the said appeal is pending, the present writ petition is filed alleging that mutations are being effected by the 4th respondent in favour of third parties. However, none of the said third parties were impleaded in this writ petition.

Even otherwise, the affidavit of the petitioner states that the 3rd parties, whose names are mentioned in paragraph '8', colluded with the revenue authorities and mutated their names in the revenue records. The present claim in the writ petition, therefore, appears to be completely misconceived, as the petitioner has already preferred an appeal before the Joint Collector, Adilabad, and if he succeeds in getting Occupancy Right Certificate, he can seek mutation of his name in the revenue records on the basis of such Occupancy Right Certificate. While the appeal is pending, the petitioner cannot be permitted to initiate parallel proceedings by way of present writ petition.

Hence, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Date: 23-09-2015
Prv

VILAS V.AFZULPURKAR, J

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