

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No. 5800 of 2013

BETWEEN

Gurrala Subba Lakshmi and another

... PETITIONER

AND

The State of Andhra Pradesh,
rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabd and others

...RESPONDENTS

Date of Order pronounced: 10.09.2015

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ORDER:-

Though vacate stay petition is listed for hearing, on the request of learned counsel on either side, the writ petition itself is heard and is being disposed of.

2. Petitioners herein filed the present writ petition questioning the order of the Joint Collector, East Godavari District, Kakinada, in D.Dis.No.D9/2283/2011 dated 12.12.2012. Petitioners contend that they are in possession of the property, in question, from 1953 onwards and they were issued pattadar passbooks and title deeds in the year 1995. It is further alleged that the fifth respondent preferred an appeal before the Revenue Divisional Officer (RDO) against grant of pattadar passbooks and title deeds in favour of the petitioners. The RDO by order in ROR Appeal No.A/2479/2010 dated 10.05.2011 directed the parties to get the adjudication of their title by approaching appropriate competent civil court, petitioners' pattadar passbooks and title deeds were directed to be cancelled. Questioning the same, petitioners filed the revision petition before the Joint Collector and the Joint Collector by the impugned order dismissed the revision and thereby, petitioners are aggrieved to the extent of cancellation of their pattadar passbooks and title deeds.

3. This court while admitting the writ petition on 29.02.2013 passed a detailed order suspending the impugned order.

4. Learned counsel for the fifth respondent seeks vacation of the said order and also denies the title in favour of the petitioners.

It is not in dispute that the fifth respondent has already filed a suit viz., O.S.No.115 of 2011 seeking declaration of title with respect of Ac.6-99 cents covered by survey Nos.48/5 and 48/3 of Ponnada Village, U.Kothapalli Mandal and for consequential permanent injunction against the petitioners, who are the defendants in the said suit, which was then pending before Additional District Judge, Kakinada, and now pending before Additional District Judge's Court, Pitapuram. It is further alleged by the petitioners that the said suit is ripe for trial. Learned counsel for the petitioners as well as learned counsel for the fifth respondent states that they are anxious to get the suit disposed of on merits as early as possible as it is already a suit of 2011.

5. While justifying the impugned orders, learned counsel for the fifth respondent, however, submits that though the documents in favour of the petitioners are not genuine, on the basis of the interim suspension granted by this court in this writ petition, petitioners are attempting to alienate the suit schedule property creating third party rights. However, Mr. S. Subba

Reddy, learned counsel appearing for the petitioners, denies the said allegation and specifically states that petitioners are not interested in alienating the property and are, in fact, cultivating the said property and also states that none of the petitioners would alienate the property pending adjudication of the dispute in the aforesaid suit.

6. Keeping in view the facts and circumstances of the case and since both the parties are willing to abide by adjudication in the said suit, I deem it appropriate to dispose of the writ petition with the following directions:

1. Both the orders impugned direct the parties to get appropriate adjudication of their title through the process of a competent civil court. That part of the order, therefore, does not require any interference. However, to the extent of direction of the RDO, which is confirmed by the Joint Collector, regarding cancelling of pattadar pass books and title deeds issued to the petitioners is concerned, that part of the order was suspended by this court as noted above and the said suspension would continue to operate pending disposal of the suit, referred to above, and shall be subject to the orders that would be passed in the said suit.
2. The learned Additional District Judge, Pitapuram shall endeavour to dispose of the aforesaid suit O.S.No.115 of 2011 expeditiously preferably within four months from the date of receipt of a copy of this order as both the parties herein agree that they would co-operate with the trial court in completing the trial and disposal of the suit.
3. The undertaking given on behalf of the petitioners that they will not alienate the suit schedule property pending adjudication of the said suit is, accordingly, recorded.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

September 10, 2015

Note:-

**Registry to mark a copy of this order to
the learned Additional District Judge, Pithapuram.**

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