

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 5592 of 2011

ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents to issue pattadar passbooks and title deeds in respect of the land admeasuring Acs.3.86 cents in Sy.Nos.127-1 & 129-1B; Acs.2.73 cents in Sy.Nos.129-1B, 129-1A & 137-1D; Ac.0.40 cents in Sy.No.126-1B; Ac.0.45 cents in Sy.No.127-1; Ac.1.07 cents in Sy.Nos.129-1B, 127-1 & 132-2A; Ac.1.08 cents in Sy.Nos.129-1B, 127-1 & 132-2A; Acs.6.70 cents in Sy.Nos.129-1B, 132-2A, 209-1, 128-4, 135/1, 136/D and 135/3; Ac.0.80 cents in Sy.Nos.129-1B and 127-1; Ac.0.49 cents in Sy.No.127-1; Ac.0.24 cents in Sy.Nos.129-1B, 128-4 & 135-4B; Ac.0.30 cents in Sy.No.130-4A; Ac.0.73 cents in Sy.No.129-1B; Ac.0.26 cents in Sy.No.129-1B; Ac.0.50 cents in Sy.Nos.136-1A & 135/1; and Ac.1.09 cents in Sy.Nos.129-1B & 128-2C in favour of the petitioners 1 to 15 respectively, situated at Dhynedu Accounts, Rallapalle @ Venugopalapuram Village Accounts, Thottambedu Mandal, Chittoor District.

The averments made in the affidavit filed in support of the writ petition would show that some of the petitioners and others filed O.S.No.119 of 1987 on the file of the Principal Sub-Court, Tirupati, seeking perpetual injunction against their rival claimants namely K.Veera Reddy and K. Hemalatha, who also filed O.S.No.121 of 1987 on the file of the same Court for declaration and recovery of

possession against the plaintiffs in O.S.No.119 of 1987. By his common judgment dated 30.04.1997, the learned Principal Senior Civil Judge decreed O.S.No.119 of 1987 while dismissing O.S.No.121 of 1987 which attained finality, since no appeal was preferred against the same. It is stated that pursuant to the common judgment and decrees in both the suits, the petitioners 1 and 2 purchased some lands covered by the suits from defendant Nos.4, 7 and 16 in O.S.No.121 of 1987 under registered sale deeds in the years 2001, 2002 and 2005 respectively, apart from succeeding to the estate of their ancestors. Thereafter, the petitioners are said to have made a representation dated 12.05.2008 to the respondents seeking issuance of pattadar passbooks and title deeds. The 1st respondent is said to have issued proceedings dated 22.08.2008 to the 2nd respondent directing him to take further action after the appeal pending before this Court is over. It is stated that no appeal was preferred by K. Veera Reddy and another and that the said representation was false. As there was no response to their representation dated 12.05.2008, the petitioners made another representation dated 22.08.2008. The 2nd respondent issued a notice to the rival parties asking them to provide information as to the pendency of the appeal. It is alleged that since no appeal was filed, the petitioners did not respond to such notice. Hence, the present writ petition.

No counter is filed by the respondents denying the averments made in the writ petition. However, it is stated by the learned Government Pleader for Revenue that till date the respondents have not received any information about the appeal, if any, filed by the rival claimants and the matter has been kept pending on the ground that an appeal was pending before this Court.

Having regard to the circumstances stated above, the Writ Petition is disposed of, directing the 2nd respondent to consider and

dispose of the representations dated 12.05.2008 and 22.08.2008 made by the petitioners seeking issuance of pattadar passbooks and title deeds, in accordance with law, within a period of twelve (12) weeks from today, if no information with regard to pendency of the appeal is furnished by the rival claimants within two weeks from the date of receipt of a copy of the order. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

31st August, 2015
cbs

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