

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9781 of 2015

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Between:

Gadiparthi Hymavathi

PETITIONER

AND

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

RESPONDENTS

ORDER:

The case of the petitioner is that the 5th respondent, in whose name pattadar passbooks and title deeds stood, filed O.S.No.770 of 1981 before the Munsif Magistrate against the petitioner claiming exclusive title to the property in question. The said suit was dismissed holding that the 5th respondent has no right to grant exclusive title since the petitioner too has a share in the property and the Will set up by the 5th respondent cannot be executed. Aggrieved by the same, the 5th

respondent herein preferred appeal A.S.No.56 of 1986 and the same was dismissed through order dated 13.09.1990 by the II Additional District Judge, Guntur, as against which, the 5th respondent filed S.A.No.296 of 1991 before this Court and the same was also dismissed on 01.09.2003 confirming the order of the trial Court. Thereafter, the petitioner filed an application before the 4th respondent for grant of proportionate share in the land and for issuance of pattadar passbook and title deed. The grievance of the petitioner is that though the 4th respondent issued notice on 30.03.2015 directing the 5th respondent herein and others concerned to appear for enquiry on 04.04.2015, the 5th respondent did not appear and the 4th respondent postponing the matter for appearance of the 5th respondent. Hence the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that though the issue has been settled by virtue of the order of this Court dated 01.09.2003 in S.A.No.296 of 1991 whereby confirming the order of the trial Court, and notices have been issued to the 5th respondent and others concerned on 30.03.2015, on account of non-appearance of the 5th respondent, the matter was adjourned indefinitely. The learned counsel also submits that since the issue was pending for a long time, a direction may be issued to the 4th respondent-Tahsildar, Amaravathi Mandal to conclude the enquiry and pass appropriate orders expeditiously.

A perusal of the notice dated 30.03.2015 reveal that parties were directed to attend the enquiry on 04.04.2015, but however, whether the notices were served on them or not was not mentioned. Be that as it may, interest of justice would be served, if a direction is issued to the 4th respondent to conclude the enquiry and pass appropriate necessary orders.

Accordingly, the writ petition is disposed of directing the 4th respondent to conclude the enquiry and pass appropriate necessary orders in accordance with law, within a period of six months from today. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

8th April, 2015

Js.