

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25480 of 2015

ORDER:

Heard.

The petitioner herein and the 5th respondent claimed competing rights relating to the land admeasuring Ac.7-72 cents in Sy.No.156 situated at Nisankadurgam Village, Surendranagaram Group, Karvetinagaram Mandal, Chittoor District.

The petitioner filed the suit in O.S.No.63 of 2010 on the file of the Senior Civil Judge, Puttur, for declaration of title and permanent injunction in respect of the land admeasuring Ac.7-72 cents in Sy.No.156 situated at Nisankadurgam Village, Surendranagaram Group, Karvetinagaram Mandal, Chittoor District and the 5th respondent has also filed a suit in O.S.No.26 of 2011 before the same Court seeking similar relief with respect to the very same land. Both the said suits were heard and disposed of by the learned Senior Civil Judge, Puttur, on 24-09-2014 and 25-09-2014, whereunder the petitioner's suit was decreed and the suit filed by the 5th respondent was dismissed.

Earlier, when the petitioner and the 5th respondent were competing for grant of pattadar pass books, the 3rd respondent passed orders in Roc.No.G/3966/2010, dated 15-09-2012, whereunder the 3rd respondent observed that since the suits between the parties are pending and as and when the title is declared, on production of copies of decree and judgment, appropriate amendments will be carried out in the revenue records by the 4th respondent in respect of the land in question under the provisions of the A.P.Rights in Land and Pattadar Pass Books Act, 1971. In terms of the said direction, as soon as the suit came to be decided, the petitioner made an application for grant of pattadar passbooks. However, under the impugned endorsement, dated 16-06-2015, the 4th respondent has rejected the petitioner's application on the ground that there is no clarity in the judgment of the Civil Court regarding the rights on land.

Though I have heard the learned counsel for the petitioner and the learned Government Pleader, I find it difficult to accept the said reason in view of the fact that the competent authority i.e., Civil Court has declared the title, which is evident from the decree, and pattadar pass books are sought for in respect of same land. The 4th respondent has, therefore, to give effect to the decree, as already directed by the 3rd respondent, and it is not for the 4th respondent to sit over the judgment and decree of the Civil Court.

Learned Government Pleader is also unable to get any instructions from the 4th respondent and states that the matter may be remitted to the 4th respondent for fresh consideration.

In view of the same, therefore, the impugned order is set aside. The petitioner's application shall stand remitted to the 4th respondent for fresh consideration in accordance with law, keeping in view the judgment and decree passed in both the suits, referred to above, for grant of pattadar pass books. The 4th respondent shall pass orders accordingly, after notice to affected parties, expeditiously, preferably within four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 13-08-2015

Prv

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