

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26487 of 2009

Dated : 28.01.2015

Between:

Bhavanam Pedda Subbaiah, S/o.Nagaiah,
Aged about 75 yrs, Agriculturist,
R/o.Pandivanipally Village,
Yerragondapalem Mandal, Prakasam District

.. Petitioner

And

The Joint Collector,
Ongole, Prakasam District & 4 others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26487 of 2009

ORDER :

When the W.V.M.P.No.3380 of 2011 is taken up for consideration, learned counsel for the 5th respondent brought to the notice of this court that the same issue was adjudicated before the Civil Court in O.S.No.151/1995 and the suit was decreed against the petitioner and the writ petition is not maintainable.

2. Having regard to the same, the writ petition is taken up for consideration with the consent of the counsel.

3. There is an interse dispute between the petitioner and the 5th respondent regarding entitlement to respective shares in the properties in issue. Challenging the issuance of pattedar pass books and title deeds in favour of 4th and 5th respondents by Mandal Revenue Officer, to entire extent of land in Sy.No.718/8 of Pandivanipalli Village, petitioner filed appeal before the 2nd respondent. 2nd respondent allowed the appeal. Challenging the orders of 2nd respondent aggrieved persons filed revision before the Joint Collector. Joint Collector, allowed revision vide his order dated 21.09.2009. Joint Collector, Prakasam District set aside the order of Revenue Divisional Officer, Markapur, cancelled the pattedar pass book and title deed issued in the name of petitioner holding that the petitioner has failed to prove his case and further directions were issued to Tahsildar, Yerragondapalem, to mutate the entries in ROR and other revenue records, in favour of revision petitioners. Aggrieved by the order of Joint Collector, the present writ petition is filed.

4. Petitioner instituted O.S.No.151/1995 on the file of Junior Civil Judge, Markapur to grant decree for partition and separate possession of plaint schedule property i.e., Ac.10.35 cents in Sy.No.718/8 of Pandivanipalli Village. The same was dismissed by the judgment and decree dated 14.11.2003. Aggrieved thereby, the petitioner filed A.S.No.196/2007. The VI Additional District and Sessions Judge, Markapur by Judgment and Decree dated 30.03.2010 affirmed the decree and judgment passed in O.S.No.151/1995.

5. The claim for share in the suit schedule property was rejected. The civil dispute has attained finality. Thus, in so far as the interse claim between the petitioner and 4th and 5th respondents are concerned, the issue has attained finality.

6. Having failed to obtain decree in his favour, it is not open to petitioner to reagitate the matter by way of writ petition. In view of the decree and judgment of civil Court, it cannot be said that the orders passed by the Joint Collector, Prakasam District in proceedings dated 21.09.2009 are vitiated, warranting interference by this Court.

7. Accordingly, the writ petition is dismissed leaving it open to the petitioner to work out his remedies in accordance with law. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

28th January, 2015
Rds

P.NAVEEN RAO,J