

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.406 of 2015

Dt:04.06.2015

Between:

Mr.M.Laxma Reddy.

... Appellant

And

The Mandal Revenue Officer, Shankarpally,
Ranga Reddy District and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.406 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This appeal arises from the order, dated 12.09.2011, passed in W.P.No.5159 of 2007. In the writ petition, respondent No.5 challenged the order, dated 18.03.1996, passed by the Mandal Revenue Officer, Shankerpally Mandal and the orders, dated 05.11.2003 and 28.04.2006, conforming the order, dated 18.03.1996, in the appeal and the revision respectively. The dispute, in the instant proceedings, relates to entries in the record of rights.

We are informed that a civil suit, bearing O.S.No.1181 of 2007, is pending on the file of IX Additional District Judge, Ranga Reddy District between the same parties, where rights of the parties in the property in dispute will be adjudicated. The appellant was not added as party in the writ petition. Keeping that in view and considering that a civil suit between the appellant and respondent No.5 is pending in respect of the very same property, we are satisfied that the following order shall meet the ends of justice. It is also made clear that learned counsel for the parties have also agreed for the following order:

“The civil Court (IX Additional District Judge, Ranga Reddy District) shall decide the suit, bearing O.S.No.1181 of 2007, on merits in accordance with law and uninfluenced by the observations made in the order impugned in the present appeal. Since the appellant was not party to the writ petition, it is further made clear that the observations made in the impugned order are not binding on him. We hope and trust that the civil Court shall decide the suit on merits in accordance with law as expeditiously as possible and preferably within a period of eight months from the date of receipt of this order. It is once again made clear that the civil Court shall decide the suit uninfluenced by the orders passed in the instant proceedings.

It is open to the appellant to approach the revenue authorities for affecting necessary changes in the record of rights, if he succeeds in the suit.”

With these observations, the writ appeal is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:04.06.2015

kdl