

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7590 of 2015

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Between:

1. Rayudu Satyanarayana and another

PETITIONERS

AND

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

RESPONDENTS

ORDER:

This writ petition is filed seeking a prohibitory order against the 2nd respondent-Principal Junior civil Judge-cum-Special Officer (Under Andhra Pradesh Tenancy Act), Amalapuram, East Godavari District in hearing A.T.C.No.6/2015 without finalizing the rights of parties in A.T.C.Nos.3, 4 and 5 of 2015, as illegal and arbitrary.

The petitioners claim to be the cultivating tenants of the agricultural land. The 1st petitioner is cultivating an extent of Ac.0.40 cents in R.S.No.574-4C and Ac.0.8 cents in R.S.No.574-4B and the 2nd petitioner is cultivating an extent of Ac.0.11 cents in R.S.No.574-4B and Ac.0.11 cents in R.S.No.474-4B situated at Rollapalem village, Amalapuram Mandal, East Godavari District. The grievance of the petitioners is that A.T.C.No.6 of 2015 has been filed with a fabricated document and the original landlords are colluding with the petitioners in A.T.C.No.6 of 2015, and if any injunction is granted in the above matter, the petitioners would suffer irreparable loss and hardship.

Heard learned counsel for the petitioners and learned Government pleader for Law and Legislature for respondents 1 and 2.

On the above set of facts a writ of prohibition cannot be issued against the 2nd respondent-Judicial Forum not to undertake adjudication of a case pending before it. However, the apprehension of the petitioner can be redressed, if both the matters i.e., A.T.C.Nos.3, 4 and 5 of 2015 and A.T.C.No.6 of 2015 are taken up and tried together, in as much as the subject matter of both the matters is the same land in same survey numbers.

Hence, the writ petition is disposed of giving liberty to the petitioners to move an application before the 2nd respondent-Principal Junior Civil Judge-cum-Special Officer (Under Andhra Pradesh

Tenancy Act), Amalapuram, East Godavari District, seeking to try all the cases together. As and when such an application being filed, the same shall be considered by the 2nd respondent and appropriate orders shall be passed in accordance with law. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

23rd March, 2015

Js.