

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10900 of 2015

ORDER:

Petitioner aggrieved by the order dated 31.03.2015 in FRS Rc.No.2207/2015/D4, passed by the 2nd respondent-Joint Collector, Anantapuram by refusing to grant the stay against the order dated 20.12.2014 in D.Dis.No.1091/1526/2241/2011/B, passed by the 3rd respondent-Revenue Divisional Officer, Dharmavaram Mandal, Anantapuram District, in exercise of the powers under Sec.5-B of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (in short "the Act"), this writ petition is filed.

It is the case of the petitioner that the pattadar pass books were granted in favour of the respondents 5 to 16 in the year 1980 ignoring the civil disputes and without determining the entitlement of the petitioner and the respondents. Challenging the same, petitioners filed appeal before the 3rd respondent-Revenue Divisional Officer, invoking Sec.5 (5) of the Act. The appeal came to be dismissed on 20.12.2014 by the 3rd respondent-Revenue Divisional Officer, Dharmavaram, holding that on account of the pendency of O.S.No.25 of 2012 on the file of Senior Civil Judge, Dharmavaram, the appeal need not be adjudicated. It is further submitted that as against the said order, petitioner filed revision before the 2nd respondent-Joint Collector, Anantapuram, and also sought stay of the order of the 3rd respondent-Revenue Divisional Officer, Dharmavaram, but the said application has been rejected by the 2nd respondent-Joint Collector, Anantapuram vide orders dated 31.03.2015, and also refused to stay the order of the 3rd respondent.

I do not find any reason to interfere with the discretionary order passed by the revisional authority. The revisional authority by himself has not decided anything adverse to the petitioner except dismissing the appeal considering the fact that the civil suits are pending between the parties and the rights of the parties yet to be crystallized in the pending suit in O.S.No.25 of 2012 on the file of Senior Civil Judge Court, Dharmavaram. It is also not the case where the petitioner is in exclusive

possession of the land. The order of the 3rd respondent-Revenue Divisional Officer itself reveals that the respondents 5 to 16 are in possession and enjoyment of the subject land and they are also having issued pattadar pass books in 1980. In that view of the matter, the matter is required to be decided, if any, on merits by the 2nd respondent-Joint Collector, Anantapuram, pending revision. Therefore, I have seen no merits in the Writ Petition.

Accordingly, the Writ Petition is dismissed at the admission stage. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition, shall stand dismissed.

CHALLA KODANDA RAM, J

Date:20.04.2015

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