

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18114 OF 2003

ORDER :

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

This writ petition is filed challenging the order passed by the Revenue Divisional Officer, Nellore-2nd respondent in dismissing the appeal filed by the petitioner against the order passed by the 3rd respondent in rejecting the application for implementation of the order in OS No.84/95, dated 28.02.1995.

It is to be seen that the Mandal Revenue Officer-3rd respondent rejected the application of the petitioner stating that as per the records, the lands in Sy.Nos.532 and 1620 of Epur-IA Village, Muthkur Mandal are recorded as AW dry lands and they are not patta lands. More so, the Government is not a party in OS No.84/95. Appeal filed against the order of the 3rd respondent is also dismissed holding the same. A copy of the decree is also not filed along with the writ petition. Though, averments in the writ affidavit are denied by the respondent in the counter, no reply filed by the petitioners rebutting the same.

In view of the above facts and circumstances, this Court cannot decide the disputed questions of fact regarding the petitioners' entitlement over the subject property. Hence, I am not inclined to entertain the writ petition. However, the petitioners are at liberty to avail remedy under Section 8(2) of the

Andhra Pradesh Rights in Land and Pattadar Pass Books Act,
1971.

Accordingly, the writ petition is dismissed. There shall be
no order as to costs. As a sequel thereto, miscellaneous petitions,
if any, pending shall stands dismissed.

A.RAJASHEKER REDDY, J

17.10.2016
kvs



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