

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29210 OF 2016

ORDER:

This writ petition is filed challenging the impugned endorsement dated 16.08.2016 issued by the 5th respondent wherein the application filed by the petitioners for mutation of their names in the revenue records and for issuance of pattedar pass books and title deeds, is rejected on the ground that civil suit filed by the 6th respondent is pending.

Learned counsel for the petitioners submits that no interim orders are passed in the said civil suit OS.No.35/2015, and more so, unless suit is decreed, only on the mere ground of pendency of the civil suit, the 5th respondent cannot reject the application of the petitioners. Further, no notice is issued to the petitioners before passing the impugned endorsement.

Heard learned Assistant Government Pleader for Revenue.

Though notice is served none appears on behalf of 6th respondent.

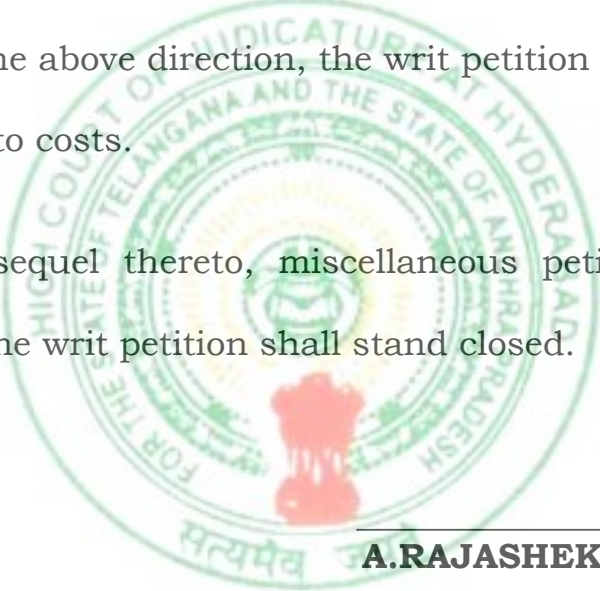
The impugned endorsement shows that no notice is issued to the petitioners before rejecting their application as envisaged under Section 5(1) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971. Further, mere pendency of

the civil suit cannot also be a ground for rejection of petitioners' application. In view of the same, without expressing any opinion on merits, the impugned endorsement dated 16.08.2016 issued by the 5th respondent is set aside and the 5th respondent is directed to dispose of the application of the petitioners, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after issuing notice to the petitioners and the 6th respondent and take action accordingly.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

29.09.2016
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A circular green seal of the High Court of Andhra Pradesh, Hyderabad. The outer ring contains the text 'HIGH COURT OF ANDHRA PRADESH' at the top and 'HYDERABAD' at the bottom. The inner ring contains 'FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH'. In the center is a red emblem of the State of Andhra Pradesh. Below the emblem, the text 'सत्यमेव जयते' is written in Devanagari script.

A.RAJASHEKER REDDY, J