

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.41512 OF 2015
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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of both the counsel, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of respondent No.4-Tahsildar in entertaining the application filed by respondent Nos.5 to 30 vide Case No.E/682/2014, as arbitrary, illegal, without jurisdiction and authority, and consequently declare that respondent No.4 has no power, authority or jurisdiction to continue with the proceedings.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner purchased land admeasuring Ac.4.00 gts., and Ac.2.31 Gts., in Sy.No.272 of Rajabollaram village, Medchal Mandal, Ranga Reddy District vide registered sale deed document Nos.4071/2009 and 3583/2010, dated 27.12.2010 and 04.11.2013 respectively and since then it has been in peaceful possession and enjoyment of the property. Originally one Jethuram Lambadi was the absolute owner and possessor of the subject lands. The petitioner's vendors purchased the same from the legal heirs of said Jethuram Lambadi. Earlier, respondents 5 to 30 filed an application before respondent No.4 stating that they are the legal heirs of Jethuram Lambadi and as such sought for deletion of names of the

petitioner's vendors' vendors from the revenue records, which was dismissed. Thereafter, they filed a petition under Section 3(3) of Andhra Pradesh Rights in Lands and Pattadar Pass Books Act, 1971 challenging the order passed by the said authority on the ground that the respondent No.4 has no power or authority to entertain the application filed by them.

4. Learned Government Pleader for Revenue opposes the claim of the petitioner contending that the request made by the respondents 5 to 30 before the Tahsildar does not indicate that they are challenging the order passed by the Tahsildar earlier in proceedings No.B/289/2011, dated 26.05.2011 and since the petitioner herein has already raised an objection, nothing survives for adjudication before this Court at this stage.

5. In view of the above, the learned counsel for the petitioner submits that a direction may be given to the Tahsildar to consider the objections raised by the petitioner and pass orders in accordance with law.

6. Without going into merits of the case and having regard to the submissions made, the present Writ Petition is disposed of directing the 4th respondent-Tahsildar to consider the objections raised by the petitioner including the jurisdiction aspect and pass orders, in accordance with law, in Case No. Case No.E/682/2014, at the earliest preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:06.01.2016
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