

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.27371 OF 2011

ORDER:

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This writ petition is filed challenging the orders dated 30-05-2011 passed by the 1st respondent in LRDT.No.2812008, communicated through the 2nd respondent on 08-09-2011.

Learned counsel for the petitioners states that no appeal lies to the 1st respondent against issuance of pattadar passbooks. But, the 1st respondent entertained the appeal and allowed the same without jurisdiction as held by this Court in **Ratnamma v. Revenue Divisional Officer, Ananthapur District and others**^[1].

On the other hand, learned counsel appearing for the 3rd respondent submits that the 1st respondent allowed the appeal subject to outcome of the second appeal in S.A.No.116 of 2011 pending before this Court. But he has not disputed the principle laid down by this Court in the judgment cited supra that no appeal would lie against grant of pattadar passbooks to the 1st respondent under Section 5 (5) of A.P. Rights in Land and Pattadar Passbooks Act, 1971. The issue in the writ petition is only entertaining the appeal by the 1st respondent in granting pattadar passbooks. The issue is squarely covered by ratio laid down in the judgment cited. Wherein this Court held in para No.27 as under:

“ In the fact situation of the present case the appeal filed in Rc.No. (B)154/1999 is not maintainable against the issuance of PPB/TD to petitioner and accordingly held as not maintainable. As already observed, this Court has not examined the rival claims of parties on merits and the findings are limited to the extent of deciding the maintainability of appeal under

Section 6-A of the Act in Rc.No.(B)154/1999. The 3rd respondent is at liberty to pursue other available remedies under the Act or common law remedy, if the circumstances so warrant.”

In view of the same, the writ petition is allowed. The impugned order is set aside. However, the rights of the parties will be subject to adjudication in S.A.No.116 of 2011 pending between the parties.

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

16-03-2016
nvl

A.RAJASHEKER REDDY,J

^[1] 2015 (5) ALT 228 (D.B.)

