

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.28629 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking the following prayer :

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus to declare the action of the 3rd respondent in entering the names of the unofficial respondent Nos.4 and 5 in the revenue records in respect of the land in Sy.No.105 situated at Munaganur village, Hayathnagar Mandal, Ranga Reddy District, during the pendency of the suit O.S.No.338 of 2016 on the file of the III Additional District Judge, Ranga Reddy at L.B.Nagar, as illegal and arbitrary.”

4. Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking a direction to consider the representations made by the petitioner against issuance of pattedar pass books or title deeds in favor of respondents 4 and 5 without intimation to the petitioner.

5. Learned Government Pleader would submit that mere pendency of a suit for declaration of title is pending vide O.S.No.338 of 2016 on the file of III Additional District Judge, Ranga Reddy, between the petitioner and unofficial respondents will not entitle the petitioner to the relief sought for in this writ petition.

6. Sri S.Ravinder Reddy, learned counsel appearing for unofficial respondents, placed on record, the orders passed by Courts wherein the petitioner was unsuccessful in getting any relief. He placed on record the order in O.S.No.148 of 1990 on the file of Principal District Munsif, Hyderabad, East & North, Ranga Reddy District, filed by the Modem Lingamaiah, who is the husband of 4th respondent herein against one Polamgari Narasimha Reddy and Polamgari Ganda Reddy in respect of the very same property. The said suit was dismissed against which appeal was preferred in A.S.No.111 of 1998 on the file of III Additional District Judge, Ranga Reddy District, which came to be allowed on 27.04.2004. Against the said appeal, S.A.No.884 of 2010 came to be filed by Polamgari Narasimha Reddy which was also dismissed. Aggrieved by the order in Second Appeal, SLP was filed which was also dismissed. Subsequently, respondents 4 and 5 herein filed E.P.No.62/2014 in O.S.No.148/90 which was allowed on 22.12.2014, directing the respondents therein to hand over possession of the property and to issue warrant to Bailiff who accordingly evicted the judgment debtors from the suit schedule property and put the petitioners in E.P., in actual possession of land in Sy.No.105, to an extent of Ac.7.30 guntas situated at Munaganur Village, Hayathnagar Mandal, Ranga Reddy District.

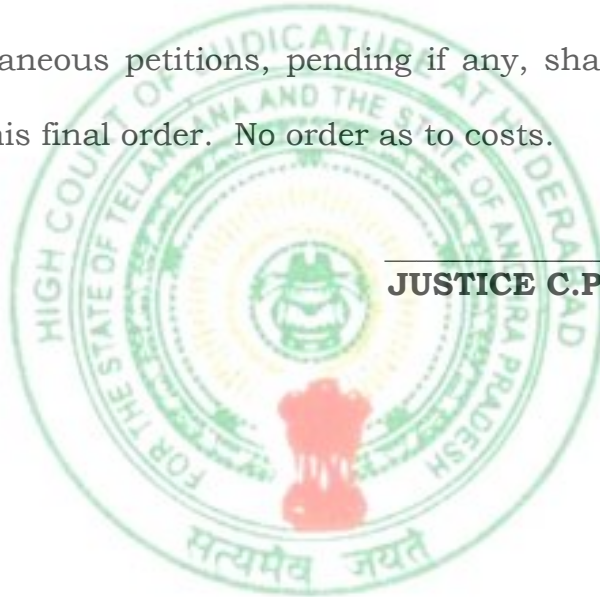
7. From the above, it is clear that being unsuccessful in earlier round of litigation, the petitioner has now filed a suit claiming relief of declaration of title. At this stage it is brought to the notice of this Court that there is no order in favour of the petitioner, till date. When no order is passed in favour of the petitioner in the suit, the

question of directing the authorities to delete the entries made or not to issue pattedar pass book in favour of unofficial respondents does not arise. It may be true that civil litigation is pending between the parties, which is obviously a second round of litigation, but that by itself, would not enable the petitioner to get the relief which he is seeking in this writ petition. If the petitioner succeeds in the suit, definitely, he can get the entries recorded in the revenue records.

8. In view of the above facts and circumstances, I see no reason to entertain the writ petition. Accordingly, the Writ Petition is dismissed.

9. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

22.12.2016
Rds



JUSTICE C.PRAVEEN KUMAR