

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35893 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for respondents 1 to 3. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to the 4th respondent.

3. The present writ petition came to be filed with the following prayer:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd respondent in proceeding with the enquiry pursuant to the Notice dated 06.07.2016 bearing Rc.E/165/2015 in contravention of the report of the 3rd respondent wherein he held that there is a dispute of title between the petitioners and the 4th respondent and advised to approach the competent Civil Court, as being illegal, arbitrary and unjust.”

4. The facts in issue are as under:

Originally, grandfather of the petitioners purchased land admeasuring Ac.5.80 cents, Ac.8.34 cents and Ac.1.91 cents in Sy.Nos.320A, 320B and 321B situated at Peddahothur Village, Alur Mandal, Kurnool District, from its lawful owner Smt Palleda Veeramma, by virtue of registered Sale Deed dated 07.07.1960 and

his name was also entered in ROR. After the death of grandfather of the petitioners, their father and his brothers succeeded to the same and later, got executed registered Gift Settlement Deeds dated 23.06.2014 in favour of the petitioners. Since then, they are in peaceful possession and enjoyment without any interruption and they have also obtained pattadar pass books and title deeds. It is said that the 4th respondent by way of fabricating certain documents, made an application before the 2nd respondent for issuance of pattadar pass books in respect of the lands of the petitioners, who in turn directed the 3rd respondent to conduct enquiry and submit report. The 3rd respondent conducted enquiry and submitted his report before the 2nd respondent, stating that there is a dispute of title and accordingly, advised both parties to approach the competent Civil Court. Knowing fully well that there is a dispute of title, 2nd respondent issued the impugned notice to the petitioners directing the fourth respondent to appear before him for enquiry.

5. A perusal of the material on record would show that against the Order of the Tahsildar, Alur Mandal, respondent No.4 herein filed a petition seeking issuance of pattadar pass book and title deed in favour of Smt Sumangala, Akkamadevi, Vanajakshi and Drakshayini in respect of lands in Sy.No. 320A, Sy.No.320B, and Sy.No.321B admeasuring Ac.5.80 cents, Ac.8.34 cents and Ac.1.91 cents respectively of Peddahoturu Village of Alur Mandal.

6. Learned counsel for the petitioners admits that the appeal proceedings are pending before the Revenue Divisional Officer, Adoni. That being the position, questioning the very filing of the appeal cannot be entertained. Hence, I see no merits in the writ petition. The argument of the learned counsel for the petitioners that the report of the Tahsildar is in favour of the petitioner, can as well be submitted before the concerned authority, who shall consider the same and pass appropriate orders thereon within a period of four (04) weeks from the date of receipt of a copy of this order. If the petitioners are in possession of the property, status quo shall be maintained with regard to names entered in the pattadar pass books in respect of the land in dispute for a period of four (04) weeks.

7. Accordingly, the Writ Petition is disposed of.

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

JUSTICE C. PRAVEEN KUMAR

Date:25.10.2016
INL