

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25680 OF 2009

ORDER:

This writ petition is filed challenging the impugned endorsement dated 12.11.2009 passed by the 3rd respondent in Rc.No.B/312/2009, by which the representation of the petitioner dated 10.10.2009 was rejected by the 3rd respondent.

Learned counsel for the petitioner submits that though the petitioner filed application for grant of pattadar pass book and title deeds in respect of the subject land, without issuing any notice the 3rd respondent passed the impugned order. He also submits that the petitioner made representation 10.10.2009 before the Joint Collector but, the 3rd respondent passed the impugned order which is also erroneous.

On the other hand learned counsel for the 4th respondent submits that Dara Kondamma who executed Settlement Deed registering the subject land in favour of petitioner was a party (defendant) in OS.No.111/1993 and the 4th respondent's vendor Gundala Hazarathaiah is the plaintiff in OS.No.111/1993. He also submits that the 4th respondent's vendor i.e. Gundala Hazarathaiah was declared as the absolute owner of the subject land in the said suit and the said Judgment has become final and the same is binding on the revenue authorities.

Heard learned Assistant Government Pleader for Revenue.

Admittedly, the 3rd respondent is competent for grant of pattedar pass books and title deeds and for mutation of names in the revenue records as per the provisions of A.P.Rights in Land and Pattedar Pass Books Act, 1971 and the same is not disputed by the learned counsel for the petitioner. As such, it cannot be said that the 3rd respondent has no power to pass the impugned order. Though the impugned proceedings show that no notice is issued to the petitioner before passing impugned order, but the fact remains that the 4th respondent's vendor and Dara Kondamma from whom the petitioner is claiming, are parties in OS.No.111/1993 which was decreed on 20.10.2000 and binding on the parties and also the revenue authority as per Section 8(2) of the A.P.Rights in Land and Pattedar Pass Books Act, 1971. As such, no purpose would be served in remanding the matter to 3rd respondent on the ground that no notice was issued to the petitioner before passing the impugned order by the respondents. In view of the above facts and circumstances, there is no merit in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

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

A.RAJASHEKER REDDY, J

10.11.2016
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