

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.28780 OF 2016

ORDER:

The case of the petitioners is that in pursuance to the application made by the petitioners for grant of pattadar pass books and title deeds in respect of the land in Sy.No.2 and 3 to an extent of Ac.0-13 gts and 3-24 gts respectively, the 4th respondent issued a Memo vide No.B/8548/2015 dated 29.07.2016 stating that pattadar pass books and title deeds in respect of above said lands shall not be issued till the disposal of the appeal suit filed by one Banala Ramulu vide A.S.No.6 of 2010. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners submits that no notice was issued to the petitioners as per the provisions envisaged under Section 5(1) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). He also submits that after the death of the petitioners' father, the petitioners made an application for mutation of their names in the revenue records and mere pendency of the suit cannot be a ground for non-disposal of the said application.

Learned Assistant Government Pleader for Revenue submits that as per Rule 9 (1) (c) (ii) of the Act, pending the civil suit, no application can be entertained.

A reading of the impugned proceedings goes to show that no notice was issued to the petitioners as per Section

5(1) of the Act. On that ground itself, the impugned memo is liable to be set aside. Mere pendency of the civil suit cannot be a ground for non-disposal of the application filed by the petitioners unless any interim order is operating against them. It also does not indicate that any stay is granted by the Civil Court against the Revenue authorities restraining them from proceeding further in the matter.

In view of the same, the impugned Memo dated 29.07.2016 is set aside and the 4th respondent is directed to dispose of the application filed by the petitioners in accordance with law, after issuing notice to the petitioners as per Section 5(1) of the Act.

Accordingly, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.08.2016

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