

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.3266 of 2016

ORDER:

Heard.

The impugned order was passed on 02-04-2012. The petitioners now seek to question the same after four years and not a single reason is mentioned in the affidavit as to why the writ petition deserves to be entertained after four years.

Learned counsel for the petitioners submits that the petitioners have filed O.S.No.34/12 before the Family Court-cum-Additional District Judge, Vizianagaram, for declaration of title and the said suit is stated to be pending. Hence, the 2nd respondent ought not to have exercised jurisdiction.

It is evident from the copy of the plaint that suit was filed on 23-04-2012 and information about filing of the suit is not conveyed to the 2nd respondent when he passed the impugned order, dated 02-04-2012.

I am unable to see how Section 8 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 would be attracted when the suit is filed subsequent to the conclusion of hearing before the 2nd respondent. In any case, the suit is stated to be at the stage of trial and any decree passed by the civil court is bound to be implemented by the revenue authorities. If the petitioners succeed in the suit, the revenue authorities will give effect to the decree. At this stage, I do not see any reason to entertain the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

04.02.2016

Prv

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01-02-2016

Prv