

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 21200 of 2007

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the third respondent in not numbering the I.A. filed under Section 151 of C.P.C. for deciding the maintainability of the proceedings as a preliminary issue, and consequently direct the third respondent to number the I.A. and decide the preliminary issue of maintainability of the application under Section 5 (A) of the Andhra Pradesh (Rights in Land) and Pattadar Pass Books Act, 1971 (for short "the Act").

2) By an order dated, 08.10.2017, this Court while admitting the writ petition, granted interim stay as prayed for. However on 04.11.2009, this Court directed the third respondent to conduct enquiry as required under Section 5-A of the Act, but however, directed that the said authority shall not take any final decision until further orders.

3) Today, when the matter is taken up for hearing, Sri L.Prabhakar Reddy, learned counsel appearing for the fifth respondent would submit that since no final decision has been taken, a direction may be given to the third respondent to consider the issue of jurisdiction as well while passing the orders in the application filed under Section 5-A of the Act. The same is not disputed by the learned counsel for the petitioner.

4) Without going into the merits of the case, the writ petition is disposed of, directing the third respondent to consider the issue of jurisdiction as well, while passing orders in the application filed under Section 5-A of the Act.

5) 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

11.09.2017
gkv

