

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.18684 of 2017

ORDER:

Heard learned counsel for the petitioners and also the learned Government Pleader for Panchayat Raj for respondent Nos.1 & 2 and before ordering notice to respondent Nos.4 to 9 since respondent No.3 represented by Sri G.Narender Reddy, learned standing counsel offers to file vakalath and perused the writ petition prayer and also the affidavit petition with supporting material on record.

However, the Writ Petition is disposed of instead of keeping it pending for the reason that in the case of undivided interest of the co-owners or co-sharers as the case may be, in alienation of undivided interest to third party other than to the family members, who are entitled to share, that third party but for maintaining the suit for partition or to workout by stepping into the shoes of the defendant to the partition suit as alienee pendente lite, cannot claim any specific extent in possession much less to make any construction under the guise of approval of the plan by Panchayat pursuant to the sale deed, if any. Thereby such remedy is only to approach the trial Court in the partition suit. Needless to say these observations will not prejudice if otherwise shown by the unofficial respondents to the writ petition no way comes in the way in deciding the application by the trial Court.

Consequently, miscellaneous petitions, if any, shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 13.06.2017
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