

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.3902 of 2009

ORDER:

Heard and perused the records.

2. The present Writ Petition came to be filed assailing the order dated 16.02.2009, passed by the Joint Collector and Additional District Magistrate, Anantapuramu in D.Dis.D4/ 4766/ 2006.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioners herein are sons and wife respectively of late C.Nagendrappa, who is in possession and enjoyment of the land admeasuring Acs.4.64 cents in Survey No.425 B of Gooty Village and to that effect a pattadar pass book was also issued to him. After the demise of said C.Nagendrappa, the said land was divided to petitioners and accordingly petitioner Nos.1 to 3 were allotted Ac.1.15 cents of said land whereas petitioner No.4 was allotted Ac.1.19 cents and subsequently pattadar pass books were also issued to them in the year 2005. While so, respondent No.4 made an application to respondent No.3 for issuance of pattadar pass books for the lands in Survey Nos.425 A, 425 B and 426. It is stated that respondent No.4 made a claim for the land admeasuring Ac.0.67 ½ cents in Survey No.425 B out of the total extent of Ac.4.64 cents, apart from the extent to which the petitioners are not concerned. Pursuant to the said application made by respondent No.4, respondent No.3 conducted enquiry and sent a report to respondent No.2 seeking cancellation of the pattas granted in favour of the petitioners. On coming to know about the same, the petitioners filed a detailed written statement before respondent No.2 apprising the real facts. However, respondent No.2 cancelled the pattadar pass books issued in favour of the petitioners. It is also stated that

respondent No.4 has filed O.S.No.49 of 2005 before the Junior Civil Judge, Gooty seeking a decree for permanent injunction in respect of the said property. The order cancelling the pattadar pass books by the second respondent was challenged before the first respondent, who confirmed the orders of respondent No.2 vide order dated 16.02.2009. Challenging the order dated 16.02.2009, the present writ petition came to be filed.

4. Though various grounds are raised, it is the case of both the counsel that *status quo* may be maintained in the present writ petition, as O.S.No.49 of 2015 which is filed in respect of the very same property is pending consideration before the Court of Junior Civil Judge and the same is posted for orders. Both the counsels submit that a direction may be given not to take further steps till suitable orders are passed in the said suit.

5. Having regard to the submissions made by both the counsels, the writ petition is disposed of directing both the parties to maintain *status quo* with regard to the possession and also entries in the revenue records, till appropriate orders are passed by the civil Court in O.S.No.49 of 2005, which shall in any event be as early as possible preferably within one month from the date of receipt of a copy of the order. On passing of the orders by the civil Court, parties are at liberty to approach the revenue authorities for appropriate rectification of records. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

JUSTICE C. PRAVEEN KUMAR

13.03.2017
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