

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18604 of 2016

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 4th respondent in issuing ownership certificate under Section 38-E of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, in favour of 6th and 7th respondent, in respect of land admeasuring Ac.6.23 gts., in Sy.No.882, situated at Medchal Village and Mandal, Ranga Reddy District, vide case No.A2/ 6000/ 2007, dated 20.11.2015, as arbitrary, illegal, contrary to settled principles of law and without jurisdiction.

2) Though various grounds are raised, learned counsel for the petitioners submits that the Special Grade Deputy Collector & Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District (4th respondent) passed an order against a dead person. It is stated that Sri Yethirajulu, who is the father of the petitioners herein, died on 13.05.2012 as such the order could not have been passed against him in the year 2015.

3) Learned counsel for the un-official respondents would submit that since the father of the petitioners only filed a case before the Revenue Divisional Officer, the petitioners should have come on record after his death, instated of complaining against the officer. He further submits that since the order is against a dead person, it would be just and proper to remand the matter to

the 4th respondent with a direction to pass appropriate orders after hearing the petitioners and also the respondents.

4) Having regard to the above, the order under challenge is *set aside* and the matter is remanded back to the 4th respondent with a direction to hear the petitioners and the persons concerned and pass orders in accordance with law, as early as possible, preferably, within a period of one month from the date of receipt of a copy of the order. Till such time, *status quo* as on today shall be maintained with regard to possession and entries in the revenue records. It is made clear that no further notice shall be issued to the petitioners or the unofficial respondents and they, on their own, shall find out the date and appear before the 4th respondent.

5) With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

16.03.2017

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