

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9615 OF 2017

ORDER:

Petitioner filed this writ petition seeking a direction to the respondent-authorities to issue pattadar pass books in respect of the land in question in an extent of Ac.2-10 cents in RS No.314/02 situated in Gundugolanu village, Bhimadole mandal of West Godavari District.

2. Learned counsel for the 5th respondent, impleaded party, submitted that originally the land in question belonged to the husband of the 5th respondent and during his life time, he has executed a registered Will deed on 01-12-2011 in her favour, and the 5th respondent, in turn partitioned the land in question between herself and her foster son. That the writ petitioner has been claiming the land in question based on a Will deed dated 17-12-2011 said to have been executed by the husband of the 5th respondent and he also filed suit OS No.372 of 2016 on the file of Prl. Senior Civil Judge, Eluru, for declaration of title in respect of the land in question and pending suit OS No.372 of 2016,

he also filed IA No.1896 of 2016 for injunction restraining the 5th respondent and her son from interfering with the land in question, but the said IA was dismissed and the suit is pending.

3. Heard learned counsel for the parties. Perused the writ affidavit filed in support of the writ petition.

4. It is seen that nowhere in the affidavit filed in support of the writ petition, the petitioner has stated that he has also filed civil suit in respect of the land in question. Learned Asst. Government for Revenue submits that both the parties are claiming for issuance of pattadar pass books based on the Will deeds said to have been executed by one late G. Venkateswara Rao, who is the husband of the 5th respondent.

5. The writ petition is liable to be dismissed on the ground of suppression of facts itself by the petitioner. Dehors that, disputed questions of fact cannot be gone into in writ proceedings and parallel proceeding cannot be maintained.

6. In the circumstances, the writ petition is dismissed.

No order as to costs. As a sequel to the dismissal of this petition, miscellaneous petitions, if any, pending shall also stand dismissed.

A.RAJASHEKER REDDY, J

Dated: 11-04-2017
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