

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos. 7203 & 7364 OF 2017

COMMON ORDER:

Since the parties in both these writ petitions and relief sought are one and the same, they are being heard together and disposed of by way of this Common Order.

Both these writ petitions are filed challenging the proceedings of the Revenue Divisional Officer-3rd respondent vide D.Dis.G/5570/2015 & D.Dis.G/10020/2014 both dated 23.04.2016, wherein the Revenue Divisional Officer dismissed both the applications i.e., one for cancellation of patta granted in favour of the 4th respondent and another for mutation in favour of the 4th respondent in respect of the subject property in these writ petitions.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that the 3rd respondent-Revenue Divisional Officer, without conducting proper enquiry, passed impugned orders and sought to set aside the same.

On the other hand, learned Assistant Government Pleader for Revenue submits that as several civil disputes are pending between the parties, the 3rd respondent rightly dismissed the petitions filed by the petitioner. He further submits that revenue authorities cannot go into the disputed questions of facts raised by the parties.

A perusal of the impugned proceedings dated 23.04.2016 goes to show that the suit O.S.No.213 of 2014 for partition, O.E.P.No.30/2011 and IP No.32 of 2007 are pending before the Courts below between the parties in respect of the subject property in these writ petitions. The revenue authorities cannot go into the aspects raised by the petitioner, as such, the 3rd respondent rightly dismissed the applications filed by the petitioner holding that the petitioner has to approach civil Court for seeking appropriate remedy in respect of the right and title of the subject property.

Since this Court also cannot go into the disputed questions of fact under Article 226 of the Constitution of India, I do not see any reason to entertain these writ petitions and accordingly both these writ petitions are dismissed.

There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand dismissed.

A.RAJASHEKER REDDY,J

02-03-2017

kvs

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Date: 02.03.2017

kvs

