

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25282 OF 2017

Dated:12.09.2017

Between:

Shaik Allabhaksh, S/o. Abdul
Saleem, aged 46 years, R/o.H.No.32-57,
Medari Street, Kurnool Town and District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Velagapudi, Amaravathi, Guntur .. Respondents
District and others



The Court made the following:

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ORDER:

Heard.

2. Petitioner preferred appeal before the Revenue Divisional Officer, Kurnool, aggrieved by grant of pattadar passbooks and title deeds issued in favour of respondents 4 to 6. The said appeal is rejected by the order impugned in the Writ Petition only on the ground that the respondents 4 to 6 brought to the notice of the appellate authority that suit is pending before the civil Court and in pending suit, the revenue authority should not enter into the dispute. The operative portion of the order of the Revenue Divisional Officer reads as under:

“... In the above, I feel that it is not proper to pronounce any decision where there is a serious dispute of title or claims of any rival title. I therefore advise both appellant and respondent to approach the Civil Court of law in this case.”

3. Learned senior counsel for the petitioner contends that no suit is pending and only caveat petition is filed and the same is treated as suit.

4. In response to the notice issued by this Court, Sri V. Nitesh, learned counsel, entered appearance on behalf of respondents 4 to 6. He fairly submits that no suit is filed and pending. He requests the Court to remit the matter to the Revenue Divisional Officer for consideration of the same on merits.

5. Having regard to these submissions, the order under challenge is set aside and the matter is remitted to the Revenue

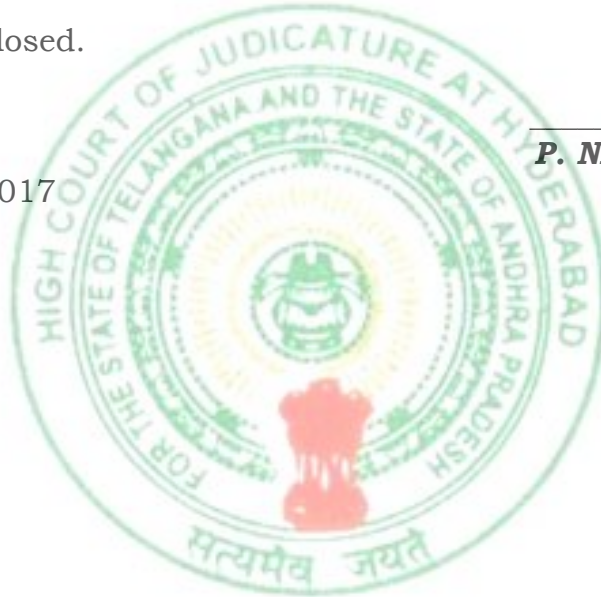
Divisional Officer, Kurnool, for consideration of the appeal filed by the petitioner on its merits after affording due opportunity to the petitioner as well as unofficial respondents 4 to 6. A decision shall be taken and appropriate orders be passed by assigning due reasons in support of the said decision within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is accordingly allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:12.09.2017

KH



P. NAVEEN RAO, J