

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 8963 of 2009

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 1st respondent in issuing proceedings D.Dis.No.D4/ 4766/ 2006 dated 16.02.2009 confirming the orders of the 2nd respondent in Proc.D.Dis.No.D2/ 1844/ 05, dated 17.06.2006 as illegal; and consequently to *set aside* the order passed by the 2nd respondent.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioner had applied for issuance of pattadar pass book in respect of land admeasuring Ac.1.60 cents in Sy.No.425/ A and Ac.1.69 cents in Sy.No.426 of Gooty Village. The 4th respondent herein also made application to the 3rd respondent for issuance of pattadar pass book in respect land admeasuring Ac.1.55 cents in Sy.No.425-A, Ac.0.67 ½ cents in Sy.No.425/ B and Ac.1.69 cents in Sy.No.426. Pursuant to the said application made by respondent No.4, respondent No.3 conducted an enquiry and sent a report to respondent No.2 seeking cancellation of the pattas. On coming to know about the same, the petitioner along with others filed a detailed written statement before respondent No.2. On considering the same, the respondent No.2 issued proceedings dated 17.06.2006 reject the request of issuing pattadar pass book in favour of the petitioner. It is also stated that respondent No.4 filed O.S.No.49 of 2005 before the

Junior Civil Judge, Gooty seeking a decree for permanent injunction in respect of the above said property. The order passed by respondent No.2 was challenged before the respondent No.1, who confirmed the same vide order dated 16.02.2009. Challenging the same, the present writ petition came to be filed.

3) At the time when the matter is taken up for hearing, learned counsel for the petitioner would submit that in similar matter ie. in W.P.No.3902 of 2009, this Court directed the parties to approach the civil Court and obtain orders. This Court further directed both the parties to maintain *status quo* with regard to possession and also entries in the revenue records till appropriate orders are passed by the civil Court. Hence, seeks same direction in this case also.

4) Learned counsel appearing for the respondents opposed the same stating that in W.P.No.3902 of 2009 suit was already filed and in the present case no suit has been filed by the petitioner.

5) A perusal of the material on record would show that subject of dispute in W.P.No.3902 of 2009 was pending consideration before the civil Court, but in the instant case no such proceedings are pending before any civil Court. Therefore, passing an identical order anticipating filing of a civil suit would not arise. However, having regard to the facts and circumstances of the case, the writ petition is disposed of directing the petitioner to approach the civil Court at the earliest and obtain necessary orders. The interim order granted by this Court on 28.04.2009

shall remain in force only for a period of five (05) weeks from today. It is made clear that the civil Court shall decide the matter un-influenced by the extension of the interim order. There shall be no order as to costs.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

03.04.2017

Note: Issue C.C. in two days.

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