

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 23375 of 2004

ORDER :

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the order in Ref.A/1163/2002, dated 24.01.2003, of the second respondent and the order in D.Dis(E3) 573/2003, dated 09.11.2004, of the third respondent, as illegal and arbitrary.

2. The averments in the affidavit filed in support of the writ petition would show that the by an order dated 24.01.2003, the Revenue Divisional Officer, Jammalamadugu, Kadapa District, cancelled the pattadar passbook/title deed issued in favour of the petitioner and directed the Mandal Revenue Officer to conduct fresh and detailed enquiry in the matter, verify the enjoyment of the land, documentary evidences and pattadar pass book to the eligible person as per law, duly following rule position. Challenging the same, the petitioner preferred a revision before the Joint Collector, under Section 9 of A.P.R.O.R and Pattadar Pass Book Act, 1971. By an order dated 09.11.2004, the Joint Collector confirmed the order passed by the Revenue Divisional Officer. Aggrieved thereby, the present writ petition came to be filed.

3. By an order dated 16.12.2004, this Court while issuing *rule nisi*, ordered *status-quo* as on that day, to be maintained by both the parties. Today, when the matter is taken up for hearing, it is brought to the notice of this Court that O.S.No.382 of 2002 and the order passed in I.A.No.1110 of 2002, which was made basis for filing of the writ petition, is said to have been withdrawn by the respondents herein with a liberty to file fresh suit. But till date, no fresh suit is filed. Further, it is to be noted that the appeal which was said to have been preferred by the petitioner was dismissed on the ground that the lands in dispute are in actual

possession and enjoyment of respondent Nos.4 and 5 herein. Further, the impugned order dated 09.11.2004 clearly states that the lands in dispute are under possession and enjoyment of the respondents. That being the position, it may not be proper for this Court to adjudicate on the title and possession over the land.

4. In view of the above, the order under challenge warrants no interference. However, appropriate orders shall be passed by the Mandal Revenue Officer – respondent No.1, on the application made by the parties, within a period of three months from today, till such time, *status-quo* as on today to be maintained with regard to the possession for a period of three months.

5. Accordingly, the writ petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

02.08.2017
vnb



JUSTICE C. PRAVEEN KUMAR