

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.8540 OF 2014

ORDER:

Heard Mr.P.Gangaiah Naidu, Mr.K.G.Krishna Murthy, learned senior counsel and Mr.O.Udaya Kumar for contesting parties.

The issue arises under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act').

The petitioner challenges proceedings of 3rd respondent in D.Dis.B/1640/2011 dated 02.02.2014 to the limited extent of the 3rd respondent recording a finding on the date of demise of one Ammuri Danamma as 30.03.1971. The contesting parties herein are parties in O.S.No.184 of 2012, in the Court of the V-Additional District Judge, Tirupati and subject matter of proceedings dated 02.02.2014 or the suit is same. One of the objections of petitioner is that under Section 8(2) of the Act, the maintenance, correction etc., of entries in record of rights is subject to the decision of the Civil Court. That being the case, recording a finding on the date of demise of Ammuri Danamma and remanding to Tahsildar/4th respondent for *de novo* enquiry is illegal and prejudicially affecting the right of petitioner.

Learned counsel, having regard to the pendency of O.S.No.184 of 2012, submit that the writ petition can be disposed of by leaving open the date of demise of Ammuri Danamma as one of the issues for consideration and decision by trial Court and likewise, the entries in record of rights are in terms of Section 8(2) of the Act. The statement is accepted and the parties are given

liberty to, accordingly, work out all their pleas vis-à-vis the date of demise of Ammuri Danamma in the pending suit and the entries in record of rights are carried out as per the decision of the Civil Court in pending suit.

With the above observations, the writ petition is disposed of.

There shall be no order as to costs.

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

05th July, 2017

Lrkm



S.V.BHATT,J