

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.12339 of 2017

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Revenue, for respondent nos.1 to 4, and Sri A. Giridhar Rao, counsel for 5th respondent.

2. The petitioners have filed this Writ Petition seeking a writ of prohibition restraining the 1st respondent from proceeding with any enquiry pursuant to the notice dt.19.11.2016 (**for short, ‘the impugned notice’**) issued by him.

3. Admittedly, the said impugned notice was issued by 1st respondent on the basis of a complaint dt.25.06.2016 given by 5th respondent, complaining of alleged grabbing of land belonging to her husband by some third-parties, and asking the 3rd respondent to do justice to her.

4. In that notice he wanted petitioner and 5th respondent to produce documents in support of their claim over the land of Acs.14.33 ½ in Survey No.216 and Acs.7.11 guntas in Survey No.215 of Kollur Village of R.C. Poor Mandal of Sangareddy District.

5. Sri V. Venkata Ramana, learned Senior Counsel appearing for petitioners, contended that the 1st respondent has no jurisdiction to conduct any enquiry in the issue under the provisions of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (**for short,**

‘the Act’), and any grievance of 5th respondent can only be adjudicated in a Civil suit by the competent Civil Court.

6. The learned Government Pleader for Revenue, appearing for respondent nos.1 to 4, is not able to point out any provision in the said Act conferring jurisdiction on the 1st respondent to conduct any enquiry of this nature in the above statute.

7. Sri A. Giridhar Rao, counsel appearing for 5th respondent is also unable to show any legal provision empowering the 1st respondent to issue a notice of this nature and conduct enquiry into the title of the parties under the provisions of the Act.

8. Therefore, the Writ Petition is allowed. The impugned notice is set aside; and it is directed that 1st respondent shall not proceed further and conduct any enquiry into the matter. No order as to costs.

9. Liberty is also given to 5th respondent to approach a competent Civil Court and obtain appropriate relief therein.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-10-2017

Ndr/*