

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.12226 of 2017

ORDER:

Learned counsel appearing for the parties consented to disposing of the writ petition by this order.

The petitioner prays for the following relief.

“declaring the action of the respondents herein in trying to interfere with petitioners' possession and enjoyment of AC.4.32 gts of land in SNo.544 of Hangarga Village, Kotagir Mandal, Nizamabad District, while the matter is pending before the 4th respondent for issuance of Occupancy rights Certificate (ORC) either to the petitioners or to the respondents 6 and 7 in respondent of the above said land, as illegal, arbitrary and violative of the provisions A.P. (TA) Abolition of Inams Act 1955 and the Rules made thereunder.”

On 07.04.2017, this Court has granted following order:

“Learned counsel for the petitioners submits that petitioners were granted pattadar passbooks and their names were also mutated in the revenue records. He further submits that though the enquiry in respect of grant of ORC at the instance of respondents 6 and 7 is pending before the 4th respondent, the respondents are trying to evict the petitioners.

Notice before admission.

Learned Assistant Government for Revenue and the learned Assistant Government Pleader for 6th respondent and Sri K. Jagan Mohan Reddy, learned Standing counsel for 7th respondent seek time for getting instructions.

Post on 07.06.2017 in motion list.

Till then, status-quo obtaining as on today shall be maintained. However, this order will not preclude the authorities from taking action by following due process of law.”

The 7th respondent temple filed counter opposing ownership and possession of petitioners. Be that as it may, the issue has to be substantially considered and decided by the 4th respondent. The issues which are required to be considered and decided by the 4th respondent relate to legality /propriety in maintaining pattadar passbooks and title deeds of petitioners and also the consideration of ORC pending in File No.LR-Inams/4880/2016, dated 01.02.2017.

Hence, the 7th respondent is granted liberty to file appeal against granting of mutation or pattadar passbooks in favour of petitioners within four (04) weeks from today before the 4th respondent, by enclosing a copy of this order. The 4th respondent is directed to dispose of the appeal filed by the 7th respondent and also the claim of the petitioners pending in File No.LR-Inams/4880/2016, dated 01.02.2017 within four (04) months from today. The parties are directed to maintain interim order dated 07.04.2017 till a decision is taken and disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 24.07.2017
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S.V.BHATT, J