

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15031 OF 2016

ORDER :

This writ petition is filed seeking writ of mandamus declaring the inaction of the respondents in issuing pattadar pass books and title deeds in respect land to an extent of Acs.8.90 cents in Sy.No.276, situated in Kidisingi Village, Vajrapu Kothuru Mandal, Srikakulam District as per declaration and permanent injunction passed in O.S.No.26 of 1994 on the file of the Senior Civil Judge Court at Sompeta, which was confirmed by this Court as well as Hon'ble Supreme Court in SLP No.16021 of 2015 vide order dated 07.09.2015 as illegal and contract and consequently to direct the respondents to issue pattadar pass books and title deeds forthwith.

It is the case of the petitioners that basing on the judgment and decree of Civil Court in O.S.No.26 of 1994, which was confirmed by the Hon'ble Supreme Court in SLP No.16021 of 2015, petitioners made applications on 09.04.2015 and 11.04.2016 before the 3rd respondent for issuance of pattadar pass books and title deeds, but no action is being taken.

Counter affidavit is filed by the 3rd respondent denying the averments in the affidavits filed in support of the writ petition.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners submits that Civil Court has already granted injunction declaring rights in respect of subject lands in favour of the petitioners and the 3rd respondent is bound by the same under Section 8(2) of the A.P. Rights in Land & Pattadar

Pass Books Act, 1971 (for short 'the Act') and that the 3rd respondent cannot raise the same issues which were already decided by the Civil Court in original suit i.e., O.S.No.26 of 1994.

Learned Assistant Government Pleader for Revenue submits that in view of litigation pending as mentioned in the counter affidavit, applications of the petitioners could not be considered.

In this case, it is to be seen that as on today the 3rd respondent has not passed any orders on the application of the petitioners. When once the application of the petitioners under Section 4(1) of the Act is pending with the 3rd respondent, it is for him to consider the applications of the petitioners in terms of the documents relied on by the petitioners and decide the application. When once the civil Court has decided the issue, the same is binding on the 3rd respondent as per Section 8(2) of the Act. In view of the same, this Court is not inclined to decide the issue on merits of the case.

In view of the same, without expressing any opinion on the merits of the case, this writ petition is disposed of directing 3rd respondent to pass orders on the applications of the petitioners, after issuing notice and affording an opportunity of hearing to the petitioners, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

A.RAJASHEKER REDDY, J

13.02.2017
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15031 of 2016



Date: 13.02.2017

