

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.15750 OF 2007

ORDER:

This Writ Petition is filed seeking to declare the action of the 3rd respondent in issuing Memo dated 18.07.2007 vide Ref.RBR/58/07 as illegal, arbitrary and consequently direct the third respondent to drop all further proceedings by setting aside the memo dated 18.07.2007.

The case of the petitioners is that they are the absolute owners and possessors of the land admeasuring Acs.3-26 cents in survey No.82, 87 and 158/2 of Marigathurthi Village, Pithapuram Mandal, East Godavari District. They acquired the lands by virtue of partition deed executed on 16.05.1985. After death of their father, respective properties were devolved on the petitioners and they were also paying taxes to the authorities concerned. While so, the petitioners made an application before the third respondent on 01.02.2006 for issuance of pattadar pass book and title deed. Thereafter, on 26.05.2006 the mother of the petitioners i.e. fourth respondent filed an application before the third respondent stating that her husband i.e. late father of the petitioners died on 23.09.2005 and in his life time he executed a will dated 01.08.2005 i.e. just before his death, as per which she got right over the property. After due enquiry, the third respondent found the alleged will deed dated 01.08.2005 to be fabricated one and also found that the petitioners were in possession and enjoyment of the property and accordingly the claim of the fourth respondent was rejected. Aggrieved by the same, the fourth respondent filed an appeal before the second respondent wherein the second

respondent set aside the order passed by the third respondent and remanded the matter to the third respondent for further inquiry. Questioning the same, the petitioners preferred revision on 14.02.2007 along with stay application before the first respondent. Pending revision and in the absence of any interim being passed by the first respondent, the third respondent issued the impugned Memo dated 18.07.2007, against which the present writ petition came to be filed.

This Court, on 30.07.2007 while admitting the writ petition, granted interim suspension of the impugned memo in W.P.M.P.No.19972 of 2007. However, this Court directed the Joint Collector, East Godavari District at Kakinada, to dispose of the revision petition filed by the petitioner in the month of July, 2007.

During the pendency of the writ petition and in pursuance to the orders passed by this Court on 30.07.2007, the revisional authority passed proceedings in R.Dis./D9/803/2007 dated 24.10.2007 and questioning the same, the petitioner herein filed W.P.No.25942 of 2007, which was disposed of by this Court on 19.07.2010, operative portion of which reads thus:

“The revisional authority proceeded to direct the parties to get the title established through the competent Court, and thereafter, approach the recording authority for further course of action. Since the disputes between the parties are stated to have been settled, they are at liberty to approach the Manal Revenue Officer, Pithapuram, East Godavari District for grant of Pattadar Pass Book by making fresh application.”

In view of the above, nothing survives in this writ petition for adjudication. Hence, the Writ Petition is closed.

Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

27th April, 2018
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