

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.2557 of 2018

Order:

Heard learned counsel for the petitioners and, in view of the disposal of the Writ Petition in the following lines, the notice to the fifth respondent is dispensed with.

The petitioners claim that they are the owners and possessors of an extent of Ac.2-80 cents of land situated in Survey Nos.13/1, 13/1A to C, 13/2 and 13/2A to D of Asakapalli, Sabbavaram Mandal, Visakhapatnam District, and they claimed it as their ancestral property. They state that they were issued pattadar passbooks and title deeds in the year 1995. Their names were recorded in the revenue records also. While so, the fifth respondent claimed right in the property in Survey No.13/1 to 7 and appears to have submitted a representation to the third respondent on 21.07.2015 seeking cancellation of the pattadar passbooks issued in favour of the petitioners and on that representation when a notice was issued to the petitioners they submitted their objections. It is also stated that O.S.No.121 of 2016 is pending before the I Additional Senior Civil Judge, Asakapalli seeking injunction against the claimant, fifth respondent. The third respondent also appears to have called for a report from the fourth respondent and the present Writ Petition is filed when the third respondent orally directed the petitioners not to enter into the land pending disposal of the case before him.

Learned counsel for the petitioners submits that the third respondent has no jurisdiction to entertain the representation alleged to have been submitted by the fifth respondent and, if the fifth respondent

has any grievance with regard to entries made in the revenue records he has to approach the competent authority, but not the third respondent.

As per the above averments, it is clear that O.S.No.121 of 2016 is pending on the file of the I Additional Senior Civil Judge, Asakapalli seeking injunction. The suit property relates to an extent of Ac.1-40 ½ cents situated in Survey No.13/1 and 2. The present claim relates to nearly Ac.12-14 cents. When there is a serious dispute with regard to title to the properties, the third respondent should not have entertained the claim for correction of entries and should have relegated the parties to the competent Civil Court for appropriate relief.

Be that as it may, in view of the objections filed by the petitioners, the third respondent is directed to consider the same and pass appropriate orders thereon in accordance with law including on the point of jurisdiction.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

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

A. RAMALINGESWARA RAO,J

Date: 30.01.2018
Nsr