

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3287 of 2018

ORDER:

The petitioner states that he is the absolute owner, possessor and enjoyer of agricultural landed property of an extent of Ac.0.63 cents in Survey No.146/1, situated in Ponnada Village, Etcherla Mandal, Srikakulam District. Originally, his father was possessing an extent of Ac.0.74 cents in the aforesaid survey number, having purchased the same under two registered sale deeds, dated 08.11.1966 and 06.04.1968. However, an extent of Ac.0.12 cents of land was acquired for extension of irrigation channel. His father died and he succeeded to the property in the partition between himself and his brother. While so, he submitted an application in Form 6-A on 04.11.2017 for grant of pattadar passbooks and title deeds in the said landed property and when no action was taken, the present Writ Petition is filed.

2. Learned Government Pleader, on the basis of written instructions, submits that one Sadhu Venkataramana and Sadhu Malleswaramma filed a suit in O.S.No.347 of 2010 before the Principal Junior Civil Judge, Srikakulam, against the petitioner and two others for permanent injunction in respect of the above land. But, the Government was not impleaded as a party to the said suit. The suit was dismissed on 31.03.2017 and an appeal was filed before the Principal District Judge, Srikakulam, and the same is pending. In the meanwhile, the petitioner is pressing for mutation in webland revenue records. The Government Pleader, Srikakulam, in his letter, dated 17.10.2017, advised the Tahsildar not to effect mutation till the dispute is settled. Hence, it was kept in 'Digital Sign Revoke' in view of civil litigation.

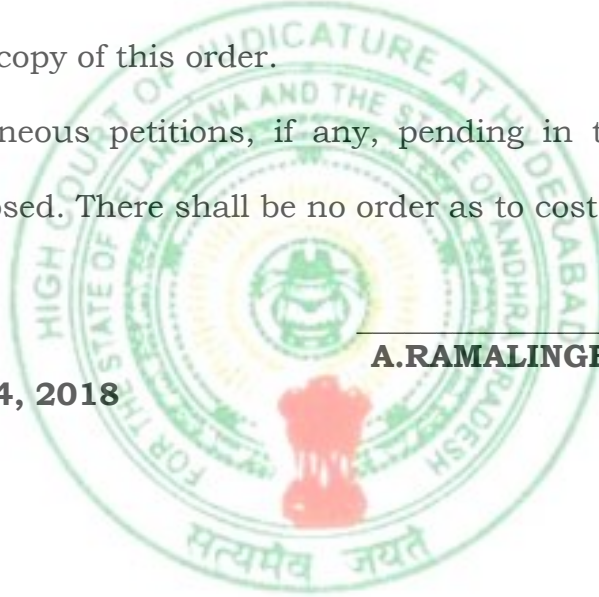
3. When an application is filed by the petitioner consequent to death of his father, it is for the third respondent to take appropriate action in accordance with law, after due notice to all the affected parties, but merely because civil proceedings are pending between the parties, he cannot stop the action expected of him under law.

4. In view of the same, this Writ Petition is disposed of directing the third respondent to pass appropriate orders by considering the application of the petitioner, dated 04.11.2017 by giving due notice to all the affected parties, within a period of three months from the date of receipt of a copy of this order.

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

FEBRUARY 14, 2018
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A.RAMALINGESWARA RAO, J



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Date: 14.02.2018

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