

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23535 OF 2007

ORDER:

The Writ Petition is filed alleging that the respondent authorities have not been processing the application of the petitioner for grant of pattadar pass books with respect to the lands purchased by him, over an extent of Ac.50-95 cents situated in Sy.No.58 (old survey numbers 1, 2, 76 to 79) of Anupallipadu Village, Manubole Mandal, Nellore District. The petitioner specifically submitted that he approached the Mandal Revenue Officer, Manubole (M), who informed that in the revenue records, Sy.No.58 was classified as a 'waste land' and on account of the same, he referred the matter to the 3rd respondent-Sub-Collector, Gudur, who ordered enquiry to the Tahasildar, Manubole, who, in turn, submitted a detailed report on 03.11.2006 to the 3rd respondent. Further, the 3rd respondent had referred the matter for clarification to the 2nd respondent-Joint Collector, Nellore and the same is pending for direction. In those circumstances, the petitioner addressed a letter, dated 17.08.2007, to the 2nd respondent seeking disposal of his case and to enable the Tahasildar to issue Pattadar Passbooks. In spite of the same, the same has not been disposed of.

2) A counter affidavit is filed by the Revenue Divisional Officer. The sum and substance is that civil disputes are pending with respect to the land in Sy.No.58 between the Writ Petitioner and one Sri Khaja Nawab and in addition to this one Sri Sayed Rafi S/o Dawood Saheb, who in fact filed W.P.No.23620 of 2006 and this Court disposed of the matter on 15.11.2006 with a direction to the

respondent authorities to consider the claims of the respective parties and in the event the authorities come to conclusion that there is a civil dispute, they shall stop the enquiry and relegate the parties to the Civil Court to sort out the same. It is further asserted that the claim of the petitioner was kept in abeyance as he had failed to produce any documentary evidence to support his case. Further, it has also come to the notice of this Court that O.S.No. 257 of 2007 is pending with respect to the land in Sy.No.58 of Anupallipadu (V) and even on that account, it is not possible for the authorities to process the application of the petitioner.

3) Noticing the said stand taken by the respondents in their counter-affidavit, this Court directed the learned Government Pleader to get instructions with regard to the developments after filing the counter-affidavit, which came to be filed in the Court in August, 2008. Thereafter, the learned Government Pleader had produced on record the proceedings of the Joint Collector dated 30.09.2009, wherein the Joint Collector, after examining the respective claims, had opined that neither of the parties were able to substantiate their claims before the revenue authorities and in view of the fact that the civil disputes are pending before the Civil Court in O.S. Nos.141 of 2005 and 130 of 2006, directed the respective parties to sort out the civil disputes and thereafter, the application would be considered. In another words, the claim of the petitioner could not be considered only on account of the civil disputes. Further, as of date, it is not brought to the notice of this Court that there is any challenge to the orders of the 2nd respondent, dated 30.09.2009. In those circumstances, the Writ

Petition is closed giving liberty to the respective parties to avail the remedies available under law and approach the authorities concerned as and when civil disputes are resolved in respect of the rights established therein.

4) Consequently, Miscellaneous Applications, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:23.04.2018

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