

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7218 OF 2018

ORDER:

The notice to the respondents 4 and 5 is dispensed with in view of the disposal of this Writ Petition at the admission stage with the following order:

2. The petitioner claims to be the absolute owner of land of an extent of Ac.0.34 cents out of Ac.0.68 cents in Sy.No.150, an extent of Ac.0.16 cents out of Ac.0.32 cents in Sy.No.152/1 and Ac.0.25 cents out of Ac.0.50 cents in Sy.No.124.

3. It is the case of the petitioner that the father of the respondents 4 and 5 unilaterally cancelled the gift deed dated 9.9.1991 and also filed O.S.No.577 of 1998 on the file of the III Additional Junior Civil Judge, Kadapa for permanent injunction against the petitioner. The Trial Court dismissed the said suit after full fledged trial on 9.9.1999. Aggrieved by the same, A.S.No.109 of 1999 was filed and the same was also dismissed on 10.2.2003. The Second Appeal No.1014 of 2006 was also dismissed on 26.9.2006. However, the respondents 4 and 5 appears to have made an application to the 3rd respondent for issuance of pattadar pass books and title deeds and the 3rd respondent issued a notice on 21.10.2016 to the 4th and 5th respondents as well as the petitioner and directed them to appear on 17.11.2016. The petitioner filed his objections on 17.11.2016. No final orders are passed yet. In the meantime, the petitioner states that he filed O.S.No.434 of 2016 on

the file of the Senior Civil Judge, Kadapa for cancellation of the documents created in favour of the 4th and 5th respondents and same is pending adjudication.

4. The petitioner further states that suppressing these facts, 4th and 5th respondents filed Writ Petition No.2886 of 2018 and this Court by order dated 31.1.2018 gave liberty to the respondents 4 and 5 to submit an appropriate application for mutation of their names, if any, and the 3rd respondent was directed to consider and dispose of the same within 30 days. Now the petitioner apprehends that by virtue of the said order, the objections already filed by the petitioner on 17.11.2016 may not be considered and the 3rd respondent may consider the request of the respondents 4 and 5 favourably ignoring his objections since the 3rd respondent was directed to consider the application of the 4th and 5th respondents.

5. This Court sees that there is no basis for such an apprehension and when the 3rd respondent is seized of the matter at the request of the respondents 4 and 5, it is incumbent on the 3rd respondent to consider the application of the respondents 4 and 5 as well as the objections filed by the petitioner on 17.11.2016. In any event, the proceedings were already initiated by the time of passing of order by this Court in Writ Petition No.2886 of 2018 on 31.1.2018 and a notice was already issued, it is for the 3rd respondent to pass appropriate orders in accordance with law.

6. In view of the above observations, the Writ Petition is prematured and cannot be entertained and is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 6.3.2018

KPM

