

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8134 of 2018

ORDER:

The husband of the first petitioner, petitioner Nos.2 to 4, and respondent No.5 are natural brothers. They are the children of late Koppula Pullaiah. Their family owns wet land of an extent of Ac.0.17 guntas, Ac.0.35 guntas and Ac.0.28 guntas in Survey Nos.127/C, 128/B and 129/B admeasuring Acs.2.00 and dry lands in an extent of Acs.4.13 guntas and Acs.5.32 guntas in Survey Nos.760/A, 844/A and 844/B totally admeasuring Acs.10.05 guntas and in total Acs.12.05 guntas situated at Mangaligudem Village, within the limits of Teerdhala Revenue Village, Khammam Rural Mandal, Khammam District. They claim 1/5th share in the said lands. During the lifetime of their father, there was a division of property on 05.05.1979 and it was reduced into writing on a non-judicial stamp paper on 18.06.1981. At that time, respondent No.5 was a minor. There were some internal disputes with regard to the said property. The petitioners state that they filed O.S.No.60 of 2009 on the file of the learned Senior Civil Judge, Khammam, for partition and separate possession of their share, and respondent No.5 was also arrayed as the defendant. The said suit is pending for consideration. They obtained a temporary injunction in I.A.No.293 of 2009 on 26.02.2009. While so, respondent No.5 appears to have made an application before the fourth respondent for issuance of pattadar pass books in respect of a portion of the land belonging to the joint family and subject matter of the said suit. The petitioners raised objections on 07.12.2017 and filed the present Writ Petition

apprehending issuance of pattadar pass books and title deeds in favour of respondent Nos.5 and 6.

There cannot be any dispute with regard to the pendency of the suit for partition and if the fifth respondent filed an application for issuance of pattadar pass books and title deeds, the said application has to be considered in the light of the objections raised by the petitioners on 07.12.2017. This Court cannot interfere with the discretionary jurisdiction of the fourth respondent before whom the application was filed by the fifth respondent.

In the circumstances, without going into the merits of the case, this Writ Petition is disposed of directing the fourth respondent to consider the objections of the petitioners in the event of the fourth respondent considering the application of respondent Nos.5 and 6 either for change of entries in the revenue records or for issuance of pattadar pass books or title deeds.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

13.03.2018
vs