

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.11473 of 2017

ORDER:

Petitioners challenge letter No.B/2612/2012 dated 19.08.2013 of 3rd respondent as illegal, arbitrary and having regard to the fact that suit for correction of entries is pending, is without jurisdiction.

Mr.Parsa Anant Nageswar Rao, submits that the proceeding impugned in the writ petition ought not to have made by respondent No.3 for the reason that the suit in O.S.No.109 of 2013 on the file of Senior Civil Judge, Jagityal is pending.

The learned Assistant Government Pleader takes twin objections against the present writ petition. The first objection being that the petitioners ought to have filed appeal against the proceedings impugned in the writ petition and secondly once the suit is pending, the order passed by 3rd respondent, in view of the Section 8 of the A.P.Rights in Land and Pattadar Passbooks Act, 1971 is subject to the adjudication of the competent Civil Court.

Mr.Nageswar Rao, submits that the position under Section 8 of the Act may be clarified and the petitioners will work out their remedies before the competent Civil Court.

The writ petition is dismissed with the following observation that the entries now recommended through

proceeding impugned in the writ petition are always subject to adjudication by the competent Civil Court. The petitioner can establish his entitlement before the Civil Court and entries for the subject survey numbers are maintained as per the decision of the Civil Court. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 17.04.2018
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