

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 15399 OF 2009**

**ORDER:**

This Writ Petition is filed seeking to declare the action of the 1<sup>st</sup> respondent in issuing intimation, dated 21.06.2009, without cancelling the earlier proceedings, dated 28.10.2002, issued in favour of the 2<sup>nd</sup> respondent and late Venkat Rajnarayana, as arbitrary and illegal.

2. The grievance of the petitioner is that the 2<sup>nd</sup> respondent, who is none other than her brother, is claiming exclusive right over the subject property by virtue of the fabricated Will, dated 28.08.1998, alleged to have been executed by her father. She stated that based on the said Will, the 1<sup>st</sup> respondent had issued proceedings dated 28.10.2002 mutating the name of the 2<sup>nd</sup> respondent. Aggrieved by the said action of the 1<sup>st</sup> respondent, the petitioner filed O.S.No.33 of 2003 on the file of the Court of the Senior Civil Judge, Asifabad, Adilabad District, which came to be transferred to the Court of Senior Civil Judge, Mancherial, re-numbered as O.S.No.22 of 2008, and the same is pending. In spite of the fact that the petitioner had informed the same to the 1<sup>st</sup> respondent by letter, dated 09.06.2009, without cancelling the earlier proceedings on 28.10.2002, an intimation was issued on 29.05.2009 stating that necessary action would be taken subject to orders passed in O.S.No.22 of 2008 by the Civil Court.

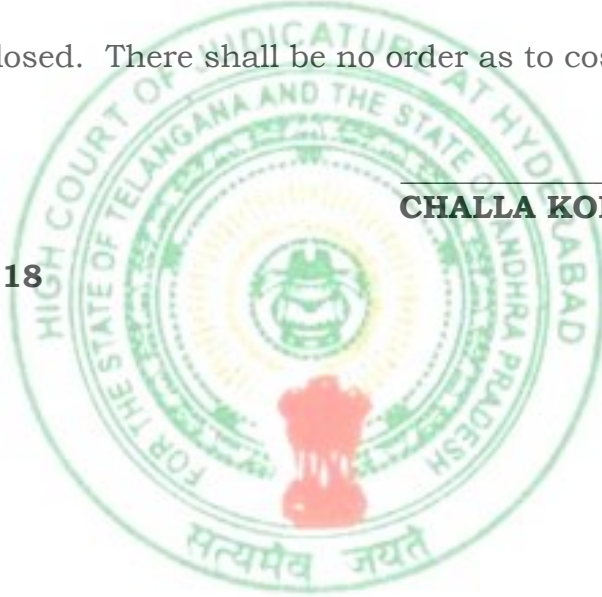
3. It may be noted that the writ petition came to be dismissed on 06.07.2013 against the 2<sup>nd</sup> respondent for non-payment of

batta. No restoration petition is filed thereafter. Since the writ petition stands dismissed against the 2<sup>nd</sup> respondent, if any decision is taken in the writ petition, it would affect the rights of the 2<sup>nd</sup> respondent. The rights of the parties cannot be adjudicated without bringing the 2<sup>nd</sup> respondent on file. Considering the fact that O.S.No.22 of 22 of 2008 is stated to be pending, the Writ Petition is disposed of with a direction to the 1<sup>st</sup> respondent to take necessary action subject to result of O.S.No.22 of 2008, if not already taken.

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

**CHALLA KODANDA RAM, J**

**JUNE 19, 2018**  
YVL



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**Date:19.06.2018**