

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18990 of 2004

ORDER:

Heard Mr.V.Tulasi Reddy for petitioners and the Assistant Government Pleader for Revenue. No representation for respondents 3 to 5.

The petitioners pray for the following relief :-

“.... to issue any Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the entries made by the respondent No.1 herein in column No.13 of Record of Rights/ Pahanies for the years 1997-98 to 1999-2000 in respect of Sy.No.3 Ac 3-09 gts of Meerpet Village, Uppal Mandal, R.R.District, incorporating the names of respondents No.3 and 4 and the action of the respondent No. 2 in interfering with the rights of the petitioners as arbitrary, illegal, without Jurisdiction and consequently direct the respondent no 1 herein to delete the same forthwith in the interest of justice....”.

The petitioners complain that firstly the entries incorporating names of respondents 3 and 4 are fudged subsequent to 1997-98 to 1999-2000 and the incorporation is contrary to the provisions of A.P.Rights in Land and Pattadar Passbooks Act, 1971.

The Assistant Government Pleader by drawing the attention of the Court to sub-rule (g) of Rule 2 read with Rule 3 of the A.P.Rights in Land and Pattadar Pass Books Rules, 1989 contends that adangal/pahani does not come within the ambit of record or right and if entries are made in any manner not known to law, the petitioners are not without remedy and the petitioners can file appeal before the Revenue Divisional Officer.

The statement is placed on record.

The writ petition is disposed of by this order :-

(a) The petitioners are given liberty to file appeal against the incorporation of names of respondents 3 to 5 for the years 1997-98 to 1999-2000 within four weeks from the date of receipt of a copy of this order.

(b) On 14.10.2004, this Court granted interim suspension of the entries made in favour of respondents 3 to 5.

(c) To meet the ends of justice and also to preserve to continue the same state of affairs pending appeal as well, the interim order is directed to be maintained, if the appeal is filed as permitted by this Court, during pendency of the appeal.

(d) If the appeal is not filed as permitted by this Court, without reference to Court, the interim order shall be deemed to have been vacated.

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

No order as to costs.

S. V. BHATT, J

Dt: 05-02-2018
Prv

