

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.32797 OF 2016 and 17120 of 2018

COMMON ORDER :

WP.No.32797 OF 2016:

This writ petition is filed challenging the action of the respondents in entering the name of the 5th respondent in revenue records like Form I-B and Adangal/Pahani by issuing patta in favour of the 5th respondent in respect of the land to an extent of Ac.1.00, in Survey No.337-A1 of Dhoni Village & Mandal, Kurnool District.

WP.No.17120 OF 2018:

This writ petition is filed challenging the action of the 2nd respondent in interfering with the civil disputes between the petitioner and the 3rd respondent vide notice dated 16.08.2017 and trying to settle out the dispute and in directing the petitioner not to enter into the land to an extent of Ac.1.00 cents in Survey No.337/A1 of Dhoni Village & Mandal, Kurnool district, though he do not have any authority or jurisdiction.

Since the parties and subject property involved in both the writ petitions are one and the same, they are heard together and disposed of by this common order.

The petitioner in WP.No.32797/2016 is the 3rd respondent in WP.No.17120/2018; and the petitioner in WP.No.17120/2018 is the 6th respondent in WP.No.32797/2016.

The 4th respondent in WP.No.32797/2016 filed counter stating that 5th respondent's name was wrongly entered in the Adangal and Pattadar Pass Book given to his wife Smt.Yerukala Nagamma-6th respondent in respect of the subject land; that on the application of the petitioner, notices were issued to the 6th respondent, but the same were returned with postal endorsement "No such address", hence, enquiry could not be conducted; and that the 6th respondent has no basis for granting Pattadar Pass Books and also entry in 1B register.

Learned counsel for the 6th respondent submits that Patta was granted to the husband of the 6th respondent i.e. 5th respondent; that basing on the same, 6th respondent's name was entered in 1B register, thereafter Pattadar Pass Book was issued in respect of the subject land, as such no action can be taken. He also submits that at any rate police cannot issue notice dated 16.08.2017 which was impugned in WP.No.17120 of 2018, to the 6th respondent who is the petitioner in WP.No.17120 of 2018. He further submits that if petitioner violates the court order, the aggrieved has to move the court for contempt of Court, police have no business to issue impugned notice in WP.No.17120/2018.

The petitioner has not filed any copy of 'Patta' granted to the husband of the 6th respondent. However, since the enquiry is pending before the 3rd respondent-Revenue Divisional Officer, Kurnool, in respect of the subject land, the 6th respondent has to approach the 3rd respondent by giving correct address for sending

the notices. The 3rd respondent shall inquire into the matter after serving notice to the 6th respondent and petitioner.

Having regard to the aforesaid facts and circumstances, WP.No.32797/2016 is disposed of directing the 3rd respondent to complete the inquiry into the issue and take necessary action in accordance with law, after issuing notices to the petitioner as well as 6th respondent, within a period of four weeks from the date of receipt of a copy of this order. If parties fail to appear, it is open for the third respondent to pass orders on merits, in accordance with Law.

WP.NO.17120 of 2018:

The 2nd respondent in this writ petitions has issued the impugned notice to the petitioner who is the 6th respondent in WP.No.32797/2016, asking her to follow the directions.

This Court in WP.No.32797/2016 has granted *Status quo* on 28.09.2016 in respect of the subject land.

Learned Assistant Government Pleader for Home produced written instructions stating that the police never interfered with the civil dispute between the petitioner and 3rd respondent and that the impugned notice was issued to the petitioner to follow court orders.

In view of the above, since this Court has already granted *Status quo* in respect of the subject land in WP.No.32797/2016, the

same shall be continued till enquiry is concluded by the 3rd respondent in WP.No.32797/2016.

Accordingly, both the writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

19.06.2018
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A.RAJASHEKER REDDY, J

