

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 38965 OF 2016

ORDER:

1. Heard the learned counsel for the petitioner, learned Government Pleader for respondents 1 to 4 and learned counsel for respondents 5 to 7.

2. The petitioner claims to have purchased dry agricultural land of an extent of Ac.1.98 cents situated in Yerramvaripalem village, Hamlet of Audipudi village, Karamchedu Mandal, Prakasam district from its owner Y.Venkata Subbamma on 16.2.2009 for a valuable consideration. Thereafter, on the application of the petitioner, his name was entered in the revenue records, pattadar passbooks and title deeds were issued to him. When the 5<sup>th</sup> respondent and others tried to interfere with the possession of the land of the petitioner by claiming a right under Settlement Deed dated 12.12.1968 stating that a limited right is conferred on the vendor, the petitioner filed O.S.72 of 2015 on the file of the Junior Civil Judge, Parchur for permanent injunction and no temporary injunction was granted. Thereafter, the respondents 5 to 7 approached the 4<sup>th</sup> respondent and submitted an application Under Section 4 of A.P. Rights in Land and Pattadar Passbooks Act, 1971, for issuance of pattadar passbooks and title deeds in

their favour. The 4<sup>th</sup> respondent issued a notice on 7.8.2015 calling upon the petitioner to attend for the enquiry and accordingly, the petitioner attended enquiry on 11.8.2015. Since the 4<sup>th</sup> respondent has no jurisdiction, he forwarded the entire file to the 3<sup>rd</sup> respondent and the 3<sup>rd</sup> respondent also noticed that he does not have jurisdiction and accordingly, he sent the file to the 2<sup>nd</sup> respondent. It is an admitted fact that the 2<sup>nd</sup> respondent is having jurisdiction to decide the dispute between the parties arising out of change of entries in the revenue records. Though the present Writ Petition is filed challenging the letter dated 19.8.2016 of the 3<sup>rd</sup> respondent referring the matter to the 2<sup>nd</sup> respondent, the matter need not be kept pending on the basis of the said letter.

3. Under the provisions of Act.26 of 1971, the Joint Collector is the competent authority and in the circumstances, respondents 5 to 7 are given liberty to file an appropriate application before the Joint Collector, Prakasam district under the provisions of Act.26 of 1971 and as and when such an application is filed, the Joint Collector shall consider the same and pass appropriate orders after hearing the petitioner in accordance with law, within a period of three months from the date of receipt of a copy of the application.

4. The Writ Petition is accordingly allowed setting aside the letter of the 3<sup>rd</sup> respondent dated 19.8.2016. However, the Trial Court shall consider O.S.72 of 2015 on its own merits without being influenced by any observations made in the present order.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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A. RAMALINGESWARA RAO,J

Date: 27.2.2018

KPM

