

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.29082 of 2018

ORDER:

1) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in posting the matter for orders in File No.A2/ 1200/ 2015 without giving an opportunity to file counter and defend the case of the petitioner pending re-open and transfer petitions before the Collector, as illegal, arbitrary and violative of principles of natural justice.

2) The averments in the affidavit filed in support of the writ petition would show that the grandfather of the petitioner by name Nittu Lacharam was the original pattadar and possessor of land in Sy.No.690 admeasuring Ac.4.15 gts., situated at Kamareddy Town. After the demise of Lacharam, his legal heirs ie., father of the petitioner and Chinna Gangaram (junior paternal uncle of the petitioner), succeeded to the above said property and their names were also mutated in the revenue records. During the life time of his junior paternal uncle by name Chinna Gangaram, he sold land to an extent of Ac.2.37 gts., to various persons. The remaining land admeasuring Ac.1.18 gts., is in joint possession and enjoyment of the petitioner, his brother and the sons of late Chinna Gangaram. Since the brothers of the petitioner were not agreeing for partition of the said land, the petitioner was constrained to file a suit for partition and possession vide O.S.No.5 of 2018 on the file of the IX Additional District Judge, Kamareddy along with an injunction petition in

I.A.No.189 of 2018. The Court granted interim injunction and the same is subsisting. After filing of the above suit, respondents 3 to 5 filed a petition for recording of their names in the revenue records before the 2nd respondent. On coming to know about the same, he filed vakalath on 21.04.2018 and the case was posted to 03.05.2018 for filing counter. It is said that intentionally the respondents did not serve copies of the said petition to the petitioner. Without hearing and without giving an opportunity to contest the matter by filing counter, the said matter was reserved for orders. Hence, the writ petition.

3) When the matter is taken up for hearing, learned Government Pleader for Revenue (TG), placed on record the order dated 10.08.2018.

4) Having regard to the above and since the order came to be passed on 10.08.2018, nothing survives for adjudication in this petition. Giving liberty to the petitioner to challenge the order dated 10.08.2018, the writ petition is disposed of.

5) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

21.08.2018
gkv

