

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18401 of 2017

ORDER:

The challenge in this Writ Petition is to the order dated 20.05.2017 of the 2nd respondent Joint Collector in Revision Case No. D1/99/2016, whereunder the order of the 3rd respondent Sub-Collector, Asifabad, dated 07.10.2016 in the Appeal, under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971, was confirmed.

Through the order dated 07.10.2016, the 3rd respondent Sub-Collector set aside the order passed by the Tahsildar, Dahegaon Mandal in ROR/1/2013 granting succession in favour of Smt. Sandilla Chandrakka, W/o Rajam and remanded the matter for consideration afresh.

It is not necessary for this Court to delve deep into the matter, in the facts of the present case, since the learned counsel appearing on either side admit that there are civil suits pending between the parties with respect to the land in Survey No. 133/2 to an extent of Ac.2.06 cents and Survey No. 159/A to an extent of Ac.1.95 cents of Ityala Village, Dahegaon Mandal, hence, in terms of Rule 9(1)(c)(ii) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, no changes in the revenue records can be affected and the authorities are required to await the result of the suit before taking further action.

However, the apprehension of the petitioner is that the observations made by various authorities will be taken into consideration by the civil Court which is likely to prejudice her case.

Learned counsel for the respective parties submit that the Court may clarify that the observations made by the Preliminary / Appellate / Revisional Authority while disposing of the case, shall not, in any manner, be construed as expressing any opinion on the rights of the parties.

The Writ Petition is accordingly, disposed of, making it clear that the order dated 20.05.2017, confirming the order dated 07.10.2016 or the proceedings dated 13.09.2016 shall not be relied on by either of the parties in the civil suit in support of their respective case. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

04th January 2018

ksld

CHALLA KODANDA RAM, J

