

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRITAPPEAL No.1385 OF 2018 AND WRIT PETITION No.32272 OF 2018

COMMON JUDGMENT:

We have heard the learned counsel for the appellant and the learned counsel for 5th respondent/writ petitioner.

With the consent of counsel, the writ petition is also disposed of by this Common Judgment.

This appeal is against an interlocutory order made at the stage of admission of writ petition No.32272 of 2018.

The parties are referred as arrayed in the writ petition.

The writ petition is filed challenging the order Rc.No. 2792018-C dated 28.08.2018 made by the Revenue Divisional officer, Gurajala, Guntur District/3rd respondent under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). The petitioner substantially challenges the order dated 28.08.2018 as illegal and without jurisdiction. In the sense that the Revenue Divisional officer does not have jurisdiction to entertain the appeal against grant of pattadar passbook in favour of writ petitioner. For the said proposition, the petitioner relies on the decision of this Court in *Ratnamma v. Revenue Divisional Officer, Ananthapur District* ¹ and *Katta Andamma v. Joint Collector, Warangal District* ².

¹ 2015 (5) ALT228 (DB)

² 2017 (2) ALT313

Mr.K.Sinivas appearing for 5th respondent submits that the 5th respondent having regard to the view taken by this Court in *Kuruva Hanumanthamma v. State of A P.*³ can work out the remedy available under Section 9 of the Act before the Joint Collector. In other words, he seeks indulgence of this Court to preserve the right of the 5th respondent to work out the remedy of revision before the Joint Collector, Guntur/2nd respondent instead of trying to sustain the order of respondent No.3. Keeping in view the above submission, we are of the view that the order Rc.No.2792018-C dated 28.08.2018 of 3rd respondent could be set aside and is set aside.

Therefore, to meet the ends of justice, the appellant/5th respondent in the writ petition is granted liberty to move the competent revisional authority under Section 9 of the Act against the grievances available in granting mutation or issuing Pattadar Pass Books to writ petitioner. This means that the order impugned in the writ petition could be vacated by ordering the writ petition without deciding the issues *inter se* the parties and leaving the matter open for adjudication before the competent authority under the Act in revisional jurisdiction. We may also record that it is the submission on behalf of the parties that there is some litigation pending inter partes as well before the civil Court. It is also submitted that there is an order of temporary injunction as between the parties from the civil Court. These submissions are merely recorded and no view is expressed.

³ 2017 (6) ALT449

The impugned order is set aside. The writ appeal and the writ petition are, accordingly, ordered. As and when a revision is filed by 5th respondent, the revisional authority considers and disposes of the revision as expeditiously as possibly preferably within three months from the date of filing. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:13th December,2018
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