

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.41499 of 2018

ORDER:

This writ petition is filed challenging the action of the respondent No.3 in initiating the ROR proceedings basing on the representation of Saiavva, without having jurisdiction numbering the same as 19/2018 and prosecuting the case for the land in Sy.No.384, 385, 386, to an extent of Ac.1.20 guntas, situated at Raigunta, Metpally Mandal, Jagityal District and Sy.No.1034 to an extent of Ac.0.3 ½ guntas and Sy.No.1340 to an extent of Ac.0.14 guntas, situated at Metpally Town and Mandal, Jagityal District.

Learned counsel for the petitioner submits that the 3rd respondent has no power to decide the issue whether the 5th respondent is the adopted daughter of the original applicant i.e. Saiavva.

In this case even according to petitioner, he is also put on notice of the application filed by the alleged mother of the 5th respondent. After her death, the 5th respondent filed application to come on record in the said proceedings and now that is being questioned in the writ petition and the said application is pending before the 3rd respondent and petitioner is also put on notice. As such, it is open for the petitioner to make all his objections before the 3rd respondent and it is for the 3rd respondent to consider the same. If the 3rd respondent is of the opinion that these are serious disputed questions of

fact and law, it is always open for him to direct the parties to approach Civil Court. But, 3rd respondent has to take a decision. As such, this Court is not inclined to entertain the writ petition. However, it is open for the petitioner to raise all his objections before the 3rd respondent on the application of the 5th respondent and 3rd respondent is obligated to consider the said objections of the petitioner before allowing application of the 5th respondent.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

16.11.2018
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A.RAJASHEKER REDDY, J



