

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 13244 of 2019

Date : 2.7.2019

Between:

Guda Malathi W/o Late Raghuveer Rao
aged about 45 years Occ Private Service R/o Keshampet
village and Mandal Ranga Reddy District

Petitioner

And

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Revenue and Sri V Hari Haran, learned counsel for third respondent.

2. Petitioner claims that her husband was owner, pattadar and Occupancy Rights Certificate holder of land admeasuring Ac.32.05 guntas in Survey No 727, 731 and 734 Keshampet village and mandal, Ranga Reddy district, however, on 9.9.2000 mutation was made in favour of third respondent to the said extent of land. Aggrieved thereby, petitioner preferred revision before the Joint Collector. By order dated 2.7.2011 Joint Collector set aside the mutation proceedings and issued directions to the Tahsildar to reflect the name of the petitioner in revenue records, issue pattadar pass books and title deeds. The decision of the revisional authority was assailed by third respondent in W P No. 34201 of 2011. Said writ petition along with W P No. 34203 of 2011 was allowed by common order dated 28.4.2014 remanding the matter to the Joint Collector for fresh consideration along with appeal pending against grant of occupancy certificate. Petitioner herein challenged the decision of the learned single judge in W A No. 991 of 2014 wherein the Division Bench by order dated 2.7.2014 in WAMP No. 2115 of 2014 granted interim suspension of the orders of the learned single Judge, however, granted liberty to the appellate authority to proceed with the appeal under the A.P. (Telangana Area) Abolition of Inams Act, 1955.

3. This writ petition is filed seeking a direction to second respondent to issue new pattadar pass books under Rythu Bandhu Scheme in respect of the subject land.

4. The prayer in the writ petition is opposed by learned counsel representing third respondent.

5. Facts briefly noted above would reflect that there is rival claim over the subject property and the issue is pending before the Division Bench of this Court. Since, interim suspension granted by Division Bench results in suspension of the order of the learned single Judge, therefore pattadar passbooks and title deeds granted in favour of the husband of petitioner still retained. while W.A.No. 991 of 2014 is pending, petitioner claims that she is entitled to issuance of e-pattadar pass books to claim benefits under Rythu Bandhu scheme.

6. Even assuming that petitioner is entitled to seek a direction to issue fresh pattadar pass books on the same extent of land, she has to seek such relief in the pending writ appeal and cannot initiate independent proceedings seeking direction to issue fresh pattadar pass books to claim benefits under Rythu Bandhu scheme, merely on the ground that pattadar pass books granted earlier are still standing in the name of her husband. Thus, I am of the considered opinion that independent writ petition on the subject property when lis is already pending before the Division Bench of this Court in W A No. 991 of 2014 is not maintainable. Accordingly, writ petition is dismissed leaving it open to the petitioner to file appropriate application in the pending writ appeal, if so advised. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 2.7.2019
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