

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.48142 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

‘For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue writ order or direction more particularly one in the nature of writ of ‘Mandamus’ declaring the action of the 4th respondent in proceeding further in issuing the pattadar pass books and title deeds to the 5th respondent in respect of agriculture land to an extent of Ac.2.00 in Sy.No.628 situated at Phanigiri Revenue Village, Nagaram Mandal, Suryapet District though the suit for declaration title and injunction in O.S.No.51/2016 on the file of Senior Civil Judge Court, at Suryapet is pending, as illegal, arbitrary, unjust and contrary to Law and unconstitutional and consequently direct the 4th respondent to follow the decision of the Civil Court that may be passed in O.S.No.51/2016 on the file of Senior Civil Judge Court, at Suryapet duly restraining the 4th respondent in dispossessing the petitioner from the land to an extent of Ac.2.00 in Sy.No.628 situated at Phanigiri Revenue Village, Nagaram Mandal, Suryapet District in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.’

As the petitioner has already approached the civil Court and O.S.No.51 of 2016 filed by him is pending consideration, there is no reason as to why the petitioner should approach this Court by way of the present writ petition. Section 8 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 mandates that in the event any declaration is given by the competent civil Court, the revenue authorities are bound to abide by the same and amend the record of rights in keeping with such declaration.

While so, Sri D.Ramakrishna, learned counsel for the petitioner, would assert that the revenue authorities should stay its hand pending

disposal of the civil suit and should not issue any pattadar pass book or title deed to the fifth respondent herein.

However, that aspect of the matter can also be raised by the petitioner in the pending suit and it is not necessary for this Court to go into the matter.

The writ petition is accordingly dismissed leaving it open to the petitioner to take appropriate steps in the pending suit, if so advised. It is also made clear that this Court has not gone into the merits of the matter and it is left open to the civil Court to decide any injunction application filed by the petitioner in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

Date:02.01.2019

PGS



JUSTICE SANJAY KUMAR