

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.39309 of 2015

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ORDER:

Heard.

This writ petition is directed against the order of the 2nd respondent in Appeal Case No.5/15, dated 16-11-2015, whereby the pattadar passbooks and title deeds issued to the petitioner in the year 2001 are now cancelled on the appeal filed by one of the brothers of the petitioner's husband i.e., the 4th respondent.

While various contentions are raised on facts including that a partition suit in O.S.No.361 of 2013 was filed by the 4th respondent before the Principal Senior Civil Judge, Narasaraopet, which includes the property covered under pattadar passbooks of the petitioner, which are sought to be cancelled, simultaneously, the appeal was filed by the 4th respondent and irrespective of pendency of the suit, the 2nd respondent allowed the appeal under the impugned order.

In view of efficacious alternative remedy available to the petitioner under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971, I do not see any reason to entertain the writ petition, as the revisional authority has wide power and can entertain the revision on facts as well as on law and deal with the matter appropriately.

Hence, with a liberty to the petitioner to avail the said revisional remedy, the writ petition is disposed of. However, keeping in view the fact that the petitioner's pattadar passbooks, which were in force from 2001, are now cancelled under the impugned order, dated 16-11-2015, the said impugned order shall remain stayed for a period of six months within which time, the petitioner shall prefer a revision and the revisional authority shall endeavour to hear both the parties and decide the said revision petition on merits.

It is made clear that in the event of the revisional authority has not been able to dispose of the said revision within the time as prescribed above, the revisional authority is empowered to extend stay of the impugned order. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 03-12-2015

Prv

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