

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

WRIT PETITION No.32923 of 2015

ORDER:

Petitioner states that he is a resident of USA and his property is dealt with by the sixth respondent, who has obtained certificate, dated 01.02.2006, under Section 5-A of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'), from the fourth respondent - Mandal Revenue Officer, Pamidimukkala, Krishna District. He states that he is totally unaware of any such certificate obtained by the sixth respondent as he never signed any agreement and was not in India and that having not executed any document in favour of anybody, the sixth respondent could not have invoked the jurisdiction of the fourth respondent by getting the alleged sale regularized under the aforesaid certificate. After coming to know the same, petitioner has been making representations to the fourth respondent bringing all these facts to his notice. One such representation, dated 13.03.2015 is filed along with the Writ Petition. Alleging that no action is taken by the fourth respondent on the said representation, the present Writ Petition is filed.

After hearing learned counsel for the petitioner and learned Government Pleader for Revenue, I am of the view that the ultimate grievance of the petitioner appears to be the certificate issued under Section 5-A of the Act and the fourth respondent having issued the said certificate, cannot reconsider the matter by entertaining the petitioner's representation referred to above. Under the provisions of the Act, against the certificate referred to above, the petitioner has appropriate remedy of appeal, which he has not availed so far. No relief can be granted to the petitioner in the present Writ Petition. However, the petitioner may avail the remedy of appeal, by approaching the appellate authority duly explaining the reasons as to why he could not approach the appellate authority earlier, and if such an appeal is filed, the appellate authority shall look into the grievance of the petitioner after notice to the sixth respondent, and take appropriate decision thereon.

Subject to the above observations, the Writ Petition is dismissed.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

7th OCTOBER, 2015.

kvni