

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.37638 OF 2015

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner questions the order passed by the Revenue Divisional Officer, Hyderabad, the 2nd respondent, who is also the primary authority under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short, 'the Act'). The 2nd respondent granted Occupancy Rights Certificate (ORC) to the 3rd respondent vide Case No.B/5350/1990, dated 24.11.2009. The petitioner states that he was not given any notice and the petitioner also questions the jurisdiction of the 2nd respondent on the ground that the subject property is non-agricultural property within the twin cities situated at Nampally and thereby Section 4 of the Act is not applicable and at the most an application can be filed under Section 9 of the Act before the designated authority. Thus, questioning the jurisdiction of the 2nd respondent, the present Writ Petition is filed by contending that the petitioner was neither given notice nor aware of passing of the aforesaid order.

I do not see any ground warranting interference by this Court under extraordinary jurisdiction under Article 226 of the Constitution of India, particularly when the petitioner has an efficacious alternative remedy of first appeal under Section 24 (1) of the Act. Since the impugned order is dated 24.11.2009, the petitioner can as well explain the reasons for questioning the said order now and can also raise all his contentions including the contention of jurisdiction before the appellate authority and, as stated above, the appellate authority is empowered to deal with the matter and pass appropriate orders in accordance with law.

The Writ Petition is accordingly disposed of giving liberty to the petitioner to

avail the efficacious alternative remedy available to him under the Act. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

19.11.2015

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