

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.22467 of 2015

ORDER:

The petitioner questions the order of the 2nd respondent in Proc.No.B/300/2012, dated 30-06-2015.

Learned counsel for the petitioners states that the appeal preferred by respondents 4 to 6 before the 2nd respondent is not maintainable as it was preferred beyond the time prescribed and according to the learned counsel, the said ground raises the question of jurisdiction of the 2nd respondent and hence, the writ petition is maintainable.

Whether the appeal was preferred within the stipulated time and the question of limitation raised by the learned counsel for the petitioners is a mixed question of law and fact and the said question appear to have not been raised before the 2nd respondent. However, since the said question goes to the route of the jurisdiction of the 2nd respondent, the petitioners can as well raise the same by availing efficacious alternative remedy of revision available to them under Section 9 of A.P.Rights in Land and Pattadar Pass Books Act, 1971, which is wide enough to enable the revisional authority to consider the question raised by the petitioners.

Hence, on the face of the said efficacious alternative remedy, the writ petition is not entertained. However, the petitioners are at liberty to avail the alternative remedy in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 21-07-2015

Note:

CC in three days

(B/o)

Prv

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