

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.20168 of 2006

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the order passed by the Additional Agent to Government and Project Officer, ITDA, Adilabad at Utnoor –

3rd respondent herein, vide Case No.A4/LTR/02/2001, dated 02.09.2006.

2. Heard Sri Jogram Tejavat, learned counsel, appearing for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents 1 to 5, apart from perusing the material available on record. Despite service of notice, none appears for the respondents 6 to 9.

3. The Agency Divisional Officer, Utnoor – 4th respondent herein pressed into service the provisions of A.P. Land Transfer Regulations and passed an order in Case No.B/1221/2000, dated 11.06.2001, declaring the petitioner herein as the owner of the land admeasuring 7.00 acres situated in Survey No.67/1 of Hashapur Village, Utnoor Mandal, Adilabad District. Aggrieved by the said orders passed by the 4th respondent, the un-official respondents herein preferred the Appeal before the Additional Agent to Government. The Additional Agent to Government – 3rd respondent herein, by way of an order dated 02.09.2006, in Case No.A4/LTR/02/2001, allowed the said Appeal, directing the Mandal Revenue Officer to take land into Government custody and assign the same to the landless and poor tribals who are eligible for assignment as per the Government Rules in vogue. Assailing the validity of the said order passed by the 3rd respondent – Appellate Authority, the present writ petition came to be filed.

4. This Court while ordering '*Rule Nisi*' on 27.09.2006 in W.P.M.P.No.25469 of 2006 granted interim stay of all further

proceedings pursuant to the impugned order dated 02.09.2006. In response to the '*Rule Nisi*' issued by this Court, a counter affidavit is filed by the 3rd respondent denying the averments made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

5. It is contended by the learned counsel for petitioner that the order of the 3rd respondent – Appellate Authority is highly illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India. It is further contended by the learned counsel that the order passed by the Appellate Authority is opposed to the very spirit and object of the provisions of Land Transfer Regulations.

6. Per contra, it is vehemently contended by the learned Government Pleader that the present writ petition filed under Article 226 of the Constitution of India is not maintainable in view of the availability of alternative remedy of Revision to the State Government and the petitioner herein is not entitled for any relief from this Court.

7. The information available before this Court manifestly discloses that as against the orders passed by the 4th respondent – Agency Divisional Officer on 11.06.2001, the un-official respondents herein filed Appeal before the 3rd respondent – Appellate Authority and the 3rd respondent by virtue of the impugned order allowed the said Appeal and directed the Tahsildar to take possession of the property. As correctly pointed out by the learned Government Pleader, against the orders passed by the Additional Agent to Government – 3rd respondent herein, remedy of Statutory Revision is provided to the State Government under Section 6 of the A.P. Scheduled Area Land Transfer Regulations. Instead of filing the said Revision, the petitioner herein directly approached this Court by way of filing writ petition before this Court under Article 226 of the Constitution.

8. In view of the above said alternative and efficacious remedy available to the petitioner, this Court is not inclined to adjudicate the

issue involved in the writ petition and it is open for the petitioner herein to avail the said remedy of Revision.

9. For the above reasons, the writ petition is disposed of, permitting the petitioner herein to file Revision against the impugned order under Section 6 of the Land Transfer Regulations, within a period of two months from the date of receipt of a copy of this order. If any such Revision is filed within the said stipulated period, the same be considered and appropriate orders be passed, in accordance with law, after giving notice and opportunity of being heard to the petitioner, within a period of three months thereafter. Till such exercise attains finality, the interim stay order granted by this Court on 27.09.2006 shall continue to operate.

10. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V. SESA SAI, J

28.12.2015

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