

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.1754 of 2015

ORDER:

This writ petition is filed seeking to declare the action of the 4th respondent in issuing Occupancy Rights Certificate (ORC) vide proceedings No.L/9466/85, dated 28.02.1986 in favour of late Venkaiah, who is the father of respondents 21 to 24, in respect of the land in Sy.No.59 admeasuring Ac.2.38 situated at Hyderguda village, Rajendranagar Mandal, Ranga Reddy District without issuing notice and without following due procedure as per law, as illegal and arbitrary.

The petitioners submit that they are the successors of the property in question. Their main grievance is that basing on the report of the 5th respondent-Tahsildar Rajendranagar Mandal, Ranga Reddy District, dated 22.09.1985 Occupancy Certificate was issued in favour of the father of respondents 21 to 24 without issuing any notice to them or conducting any enquiry. They came to know about the issuance of Occupancy Certificate only in the month of December, 2014 when they made an application under Right to Information Act. Hence the present writ petition.

The learned Assistant Government Pleader for Revenue (Telangana) opposes the writ averments and submits that the writ petition is misconceived. If the petitioners aggrieved, they have to avail the alternative remedy of appeal before the Collector under Section 24 of the A.P. (Telangana Area) Abolition of Inam Act, 1955.

In view of the same, I am of the opinion that this writ petition is totally misconceived. As pointed out by the learned Assistant Government pleader for Revenue (Telangana), against the issuance of Occupancy Certificate to third parties and rejection of their claim, the petitioners have an effective alternative remedy of appeal before the Collector under Section 24 of the A.P. (Telangana Area) Abolition of

Inam Act. Therefore, I am not inclined to grant any relief to the petitioners in this writ petition. However, It is needless to mention that subject to the limitation, it is always open to the petitioners to avail the alternative remedy of appeal, to which no need of any permission from this Court.

Accordingly the writ petition is dismissed. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J.

2nd February, 2015
Js.