

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.13933 of 2015

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ORDER:

Heard.

The order impugned in this writ petition is an endorsement issued by the 4th respondent rejecting the petitioner's application for grant of pattadar pass books and title deeds in respect of the land admeasuring Ac.0-96 cents in Sy.No.33/3 situated at Manchala Village, Chebrolu Mandal, Guntur District on the three reasons mentioned under the impugned order. The learned counsel for the petitioner has strenuously stated that each of those reasons are unsustainable and in accordance with the Rules framed under the A.P.Rights in Land and Pattadar Pass Book Act, 1971 (for short 'the Act'), the Tahsildar is bound to consider the registered documents filed by the petitioner and update the revenue record.

Even assuming that the contention of the learned counsel for the petitioner is correct, I find from Section 5(5) of the Act that against every order of the recording authority either making an amendment in the record of rights or refusing to make such an amendment, an appeal lies to the Revenue Divisional Officer or such authority as may be prescribed.

Evidently, therefore, the petitioner has an effective alternative remedy of appeal and any error committed by the primary authority can always be corrected by the appellate authority. No ground is made out to bypass the said efficacious alternative remedy and to entertain the writ petition.

At this stage, learned counsel for the petitioner submits that the appeal is required to be filed within sixty days. However, the impugned order, dated 16-03-2015 was questioned in this writ petition, which was filed on 28-04-2015 and the said 60 days time has since expired. In the facts and circumstances of the case, two weeks from today is granted to prefer an appeal before the 3rd respondent and if the

petitioner files the appeal within two weeks from today, the 3rd respondent shall entertain the said appeal without raising any objection with regard to limitation.

Accordingly, the writ petition is disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 03-06-2015

Prv

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