

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION No. 17436 of 2011

Between:

M.Parvathamma

.. Petitioner

and

The Revenue Divisional Officer, Land Reforms,
Adoni, Kurnool District and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17436 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents 1 and 2. With the consent of both the parties, the main writ petition is heard and disposed of at the admission stage itself.

The averments in the affidavit filed in support of the writ petition show that the petitioner is a small farmer having land to an extent of less than Acs.5.00. She is said to have purchased land admeasuring Ac.1.99 cents in Survey No.48E situated at Yerigeri Village, Kowtharam Mandal, Kurnool District, from the 3rd respondent through a registered sale deed dated 27.11.1990 and since then she is in possession and enjoyment of the same. It is stated that the mother of the 3rd respondent was declared as excess land holder and an order was passed directing her to surrender land equivalent to 1.4394 standard holding and accordingly, she surrendered 1.2079 standard holdings to the Government leaving the balance of 0.2315 standard holdings. As the declarant died, a notice came to be issued to the 3rd respondent to surrender the balance extent. Pursuant to which, the 3rd respondent is said to have submitted a list of certain lands equivalent to the balance standard holdings to be surrendered. But however, the 1st respondent objected to those lands on the ground that they are not having good title as they are in dispute and suo moto selected the other lands belonging to the 3rd respondent vide proceedings C.C.No.2186/AND/75 dated 20.10.2010 including the land purchased by the petitioner in the year 1990. Questioning the said proceedings, the present writ petition came to be filed.

Learned counsel for the petitioner submits that the impugned

order is illegal and improper for the reason that the petitioner has purchased the land admeasuring Ac.1.99 cents in Survey No.48E situated at Yerigeri Village, Kowtharam Mandal, Kurnool District, from the 3rd respondent through a registered sale deed dated 27.11.1990. He further submits that the lands, which are to be surrendered by the declarant, should be free from any title disputes, as the same would be handed over to the landless poor. Therefore, the question of taking the land of the petitioner would not arise.

On the other hand, the learned Government Pleader for Revenue submits that if the petitioner is aggrieved by the orders passed by the 1st respondent, she has a statutory right of appeal under Section 20 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and not by way of this petition.

The Apex Court in **Commissioner of Income Tax v.Chhabil Dass Agarwal**^[1] held that “ *the High Court will not entertain a petition under Article 226 of Constitution, if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. Therefore, when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.*”

Since the issue involves disputed questions of fact and as an alternative remedy is available to the petitioner, the Writ Petition is disposed of, by directing the petitioner to prefer an appeal as contemplated under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 before the competent authority within a period of four (4) weeks from today and in such event, the appeal shall be disposed of after giving an opportunity of hearing to all the parties including the 3rd respondent herein, within a period of six (6) months from the date of filing of the appeal. Till such time, status-

quo obtaining as on today with regard to the land in question shall be maintained. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

22nd July, 2015
cbs

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[\[1\]](#) (2014) 1 SCC 603