

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.20498 OF 2015

DATED 08th JULY, 2015

Between:

Pothina Narasimha Naidu and another

.. Petitioners

and

The State of Andhra Pradesh rep. by its
Principal Secretary, Revenue Department and
Others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.20498 OF 2015

ORDER

This writ petition is filed challenging the order dated 30.05.2015 passed by the Revenue Divisional Officer, Visakhapatnam, in exercise of appellate powers under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. The said order itself demonstrates that a revision would lie against the same. However, bypassing the statutory revisionary remedy, the petitioners chose to file this writ petition.

Sri T.C. Krishnan, learned counsel for the petitioners, would contend that as the appellate authority failed to consider all the material placed before it by the petitioners, there is a failure on the part of the appellate authority to afford full opportunity of hearing to the petitioners and therefore, this writ petition would lie.

This Court is not persuaded to agree.

Perusal of the impugned order reflects that the second petitioner herein, being the third respondent in the appeal, filed a written statement before the appellate authority. Mere failure on the part of the appellate authority to discuss at length the points sought to be urged by the respondents in the appeal would not amount to violation of the principles of natural justice warranting invocation of the extraordinary jurisdiction of this Court under Article 226 of the Constitution. The Statute provides a revisionary remedy to the petitioners against the appellate authority's order for the reason that such revisionary authority would correct factual errors, if any, committed by the appellate authority. This Court, in

exercise of writ jurisdiction, would not normally undertake such an exercise. It would therefore be in the interest of the petitioners to first avail the revisionary remedy.

The writ petition is therefore dismissed on this short ground. It shall be open to the petitioners to avail the revisionary remedy in accordance with law. Pending miscellaneous petitions shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

08th JULY, 2015
PGS