

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.42270 OF 2015

ORDER:

Heard.

The petitioners question the order dated 20.06.2015 passed by the 3rd respondent-Revenue Divisional Officer, Kurnool, on the grounds that they were not heard and the Revenue Divisional Officer has no jurisdiction to entertain the appeal filed by respondents 5 to 7.

A reading of the application shows that the plea of the petitioners is not tenable, inasmuch as they are purchasers from respondents 5 to 7 before the Revenue Divisional Officer and though the purchase is stated to be under the registered sale deed dated 30.11.2012, the petitioners are aware of the litigation in O.S.No.52 of 2008 filed by respondents 5 to 7 against them and their vendors before the II Additional Junior Civil Judge, Kurnool, for permanent injunction. The petitioners have admitted that they are parties to the suit, thereafter, to the proceedings before the Revenue Divisional Officer, Kurnool, as well as before the Joint Collector, Kurnool, and only as per the directions of the Joint Collector, the Revenue Divisional Officer, Kurnool has passed fresh orders, after examining the matter afresh. It is, therefore, highly improbable to contend that the writ petitioners are unaware of all the litigations. Therefore, I am not inclined to accept the contention that there was no notice to the petitioners. The impugned order itself says that the respondents i.e., vendors of the petitioners have avoided to appear by producing all the link documents. It cannot, therefore, be said that there is either violation of the principles of natural justice or that the Revenue Divisional Officer has no jurisdiction. Even otherwise, the petitioners have an effective alternative remedy under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act and there is no reason in approaching this Court by-passing the said remedy.

In view of the above, the writ petition is dismissed giving liberty to the petitioners to pursue the alternative remedy available to them under

law. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

29.12.2015
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