

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 6245 of 2012

ORDER:

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief/s:-

"....to issue any appropriate writ, order or direction more in the nature of writ of mandamus declaring the Certificate issued in Form No.XIII(B) under Section 5-A(4) of A.P.Rights in Land and Pattadar passbooks Act, 1971 and Rule 22(5)(ii) of A.P.Rights in Land and Pattadar Passbooks Rules 1989 and the proceedings No.Rc.No.C/445/2011 dated 1.4.2011 in Form No.XIII-C under Rule 22(5) (iii) of A.P.Rights in Land and Pattadar Passbooks Rules, 1989 issued by the respondent No.5 in favour of the respondents 6 to 8 in respect of the property acquired by the petitioner i.e., land bearing Sy.No.443 extent Ac.3.14 gunts situated at Edulapusapally village, Mahabubabad Mandal, Warangal District without any notice, without following due procedure under law more particularly after filing the suit O.S.No.88 of 2010 on the file of Principal Junior Civil Judge, Mahabubabad against the respondents 6 and 7 who are defendants 2 and 3 in the said suit basing on some alleged un-registered sale deeds even though they are not in possession of the property as required under law is nothing but arbitrary, illegal and violative of Section 5-A of Record of Rights in Land and Pattadar Passbooks Act, 1971 and the Rules made thereunder and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

(Reproduced Verbatim)

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 5, and learned counsel for respondent Nos.6 to 8.

Learned counsel for the petitioner mainly contends that without issuing any notice to the petitioner, the 5th respondent has passed the impugned orders.

Learned Assistant Government Pleader for Revenue produced the record before the Court stating that a notice was issued to the father of the petitioner and on 01.04.2011 an appeal was filed before the 4th respondent against the impugned orders. This submission is not disputed by the learned counsel for the petitioner.

In view of the above, since the petitioner has already availed the remedy of appeal by filing an appeal before the 4th respondent, this Court is not inclined to entertain the writ petition. But in the facts and circumstances of the case, the 4th respondent is directed to dispose of the appeal filed by the petitioner after giving notice of hearing to the petitioner as well as to respondent Nos. 6 to 8, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed.

A. RAJASHEKER REDDY, J.

29th February, 2016
cbs

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