

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL No.645 OF 2016

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed in Writ Petition No. 21336 of 2016, dated 1.7.2016, whereby the petitioner was relegated to the remedy of a statutory appeal.

Sri Raja Gopallavan Tayi, learned counsel for the petitioner, would draw our attention to the proceedings dated 22.3.2016 to contend that the Tahsildar had adjudicated the dispute as if in a Civil Suit; and exercise of jurisdiction by the Tahsildar is contrary to Rule 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 made under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act').

While the submission of the learned counsel cannot be said to be without merit, it is not as if the petitioner cannot raise these contentions before the appellate authority in an appeal preferred under the Act. While we see no reason to interfere with the order passed by the learned Single Judge, we make it clear that it is open to the petitioner to raise all such contentions as are available to him in law, including those urged in the writ petition, before the appellate authority and, on such appeal being preferred, the appellate authority shall consider the same and pass a reasoned order thereupon in accordance with law.

Subject to the aforesaid observations, the writ appeal fails and is accordingly dismissed. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

3rd August 2016
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Date: 03.08.2016

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