

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28431 OF 2016

ORDER

This writ petition is filed for a writ of *certiorari* calling for records relating to order passed by respondent No.3 in appeal vide proceedings No.C/3279/2014, dated 14.07.2016 and set aside the same, as illegal and arbitrary.

The contention of the learned counsel for the petitioners is that without hearing the arguments of the petitioners who are respondents 1 to 8 in the appeal before the 3rd respondent, the impugned order is passed, which is in violation of principles of natural justice.

On the other hand, the learned counsel for the 8th respondent submits that the petitioners are represented by GPA holder who is the Revenue Divisional Officer. Without obtaining permission from higher authorities, he is appearing before the authorities and also in the present writ petition. As such, the writ petition is not maintainable. He also submits that on 19.03.2016 the matter was reserved for orders and petitioners have not raised any objections.

Learned counsel appearing for respondents 5 to 7 state that there was no objection on 19.03.2016 when vakalath is filed and thereafter Memo is filed on 29.03.2016. He also submits that CPC is limited to an extent as provided under Section 10 of the Andhra Pradesh Rights in Pattadar Pass Books Act, 1971 (for short 'the Act'). He also submits that petitioners have an alternative remedy

under Section 9 of the Act for urging all their contentions by filing a Revision before the Revisional authority.

Learned counsel for the 13th respondent also states that inspite of granting several opportunities, petitioners have not availed the same and he also relied on submissions of the learned counsel appearing for respondents 5 to 7 and 8.

In this case, it is to be seen that admittedly, there is an alternative remedy under Section 9 of the Act against the impugned order which reads as follows:

“Revision: The Collector may either *suo moto* or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that no such order adversely affecting any person shall be passed under this Section unless he had an opportunity of making a representation.”

A docket was called for. Learned Government Pleader for Revenue produced the same and contended that petitioners have alternative remedy against the impugned orders by way of Revision and they can raise all the contentions before Revisional authority. It appears that the matter was reserved on 19.03.2016 and the memo was filed on 29.03.2016 and petitioners were given an opportunity to file written arguments. *Prima facie*, it appears that matter is reserved and petitioners were given opportunity to file written arguments and no objections were raised on 19.03.2016.

It is not disputed that petitioners have alternative remedy of Revision against the impugned order under Section 9 of the Act.

In view of the above facts and circumstances, this Court is not inclined to entertain the writ petition. However, the petitioners can raise all their objections before the Revisional authority and the Revisional authority shall take the objections raised by the petitioners while deciding the Revision.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 16.09.2016
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