

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.2311 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The order dated 18.01.2016 of the Deputy Collector and Tahsildar, Hayathnagar Mandal, Ranga Reddy District, the 4th respondent, is questioned in this Writ Petition on various grounds including that the petitioner's possession for the last 60 years is not considered and the pahani entries consistently showing her possession is ignored.

Learned counsel for the petitioner submits that though the proceedings were initiated under Section 3 (2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, the impugned order is passed correcting the entries in the revenue records and as such the impugned order is referable to power exercised under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and the Andhra Pradesh (Telangana Area) Land Revenue Rules, 1317 Fasli.

I am not satisfied that the Writ Petition deserves to be entertained for two principal reasons. Firstly, the petitioner has an effective remedy of appeal against the impugned order and in fact on the earlier order passed by the same authority, she has preferred an appeal before the Revenue Divisional Officer, Ranga Reddy District, the 3rd respondent, and thereafter a revision before the Joint Collector, Ranga Reddy District. Since the Joint Collector, Ranga Reddy District, remitted the matter to the

4th respondent, for fresh consideration, the matter was again examined by the 4th respondent and the present impugned order is passed, against which an appeal lies and therefore there is no reason for the petitioner to file this Writ Petition without availing the remedy of appeal. Secondly, the impugned order is based upon the original Sethwar, which is the original survey report and its authenticity like Kasra Pahani cannot be doubted and as per the said original Sethwar, the land is shown as Government land and is recorded as 'Khariz Khata'. Hence, nobody else's name could have been recorded against the said land and since the petitioner is stated to

be a purchaser from the person whose name was included in the Khariz Khata entry, the 4th respondent finds that the petitioner is not entitled to the subject land. However, since the petitioner has an effective remedy of appeal, it is for the appellate authority to deal with the various contentions of the petitioner, if any such appeal is filed, and the observations made herein are only to the extent of examining the maintainability of the Writ Petition and shall not prejudice adjudication of the petitioner's case before the appropriate appellate or revisional authority, as the case may be.

Hence, with the liberty to the petitioner to seek appropriate remedy, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

28.01.2016

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