

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30 of 2012

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondent No.2 in passing the impugned order dated 29.01.2011, wherein 3rd respondent is directed to mutate the names of respondents 4 to 5 herein in the revenue records for the year 2010-2011 by deleting the name of the petitioner in respect of the land admeasuring Ac.3.20 guntas in Sy.No.495, situated at Bathikepelli Village, Pegadapalli Mandal, Karimnagar District.

Learned counsel for the petitioner states that the impugned order has been passed without issuing any notice to the petitioner and without any basis.

On the other hand, learned Assistant Government Pleader for Revenue produced record stating that notice dated 12.05.2009 was issued and served on the petitioner and that since the petitioner has not submitted any explanation to the said notice, impugned order is passed.

Learned counsel for the 5th respondent states that earlier also the District Collector issued notice for deleting the name of the petitioner in the revenue records in respect of the subject land, but since the civil litigation in respect of the subject land is pending between the petitioner and unofficial respondents, the same could not be effected.

Heard.

In the present case, a perusal of the record produced by the learned Assistant Government Pleader shows that notice dated

12.05.2009 was served on the petitioner. Whereas, in the writ affidavit, the petitioner falsely asserted that he has not received any notice. When a notice is issued to the petitioner, he should have filed explanation to the same. Since the petitioner failed to submit explanation, the 2nd respondent passed the impugned order. When the impugned order is erroneous, the petitioner has alternative remedy of appeal against the same. But, the petitioner straightaway approached this Court. The correctness or otherwise of the impugned order can be decided in the appeal by the appellate authority. This court is not inclined to entertain this writ petition on this ground.

Accordingly, the writ petition is dismissed granting liberty to the petitioner to avail alternative remedy of appeal against the impugned order, within a period of four weeks from the date of receipt of a copy of this order and the same shall be entertained as per law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.02.2016

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