

***THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR***

**WRIT PETITION No.1454 OF 2016**

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**ORDER:**

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

The impugned proceedings, dated 22.12.2015, of the Tahsildar, Kundur Mandal, Ranga Reddy District, the 4<sup>th</sup> respondent, resuming the petitioner's land are questioned in this Writ Petition.

Sri D. Prakash Reddy, learned Senior Counsel appearing for the petitioner, has primarily contended that the impugned proceedings itself were bereft of any details and are contrary to paragraph No.54 of the decision of the Division Bench of this Court in ***Letter sent from Plot No.338, Parvanth Nagar, Borbanda, Hyderabad v. Collector and District Magistrate, Ranga Reddy District at Hyderabad***<sup>[1]</sup>.

That apart, learned Senior Counsel submits that the land in question is admittedly shown to be the land assigned after Lavoni Rules, 1950 and on the face of it, it cannot be classified as assigned land and subjected to the condition of non-alienability and the impugned action taken for resumption on the ground of violation of conditions of assignment is beyond the jurisdiction of the 4<sup>th</sup> respondent.

Two decisions of this Court, namely, **Parvanth Nagar** (1 supra) and **Joint Collector, Ranga Reddy District, v. P. Harinath Reddy**<sup>[2]</sup> are cited by learned Senior Counsel for the petitioner in support of his contentions and it is contended that the impugned proceedings being beyond the jurisdiction of the 4<sup>th</sup> respondent, there is no impediment in entertaining the present Writ Petition.

Learned Government Pleader for Revenue submits that the petitioner has an efficacious alternative remedy of appeal and thereafter revision and bypassing the said remedies, the present Writ Petition is filed directly.

I have considered the submissions on either side.

It is true that the impugned proceedings are clearly appealable under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'). Moreover, the issue involved for adjudication necessarily requires factual verification of the revenue records and it has to be examined as to whether the land in question falls within the definition of 'Assigned Lands' under the Act. The revenue authorities, who are entrusted with the appellate and revisional jurisdiction under the Act, are therefore more suited to examine the factual issues and give their findings on the issue involved. In any case, the petitioner had approached this Court without exhausting such remedies and the judicial review is not sought against such appellate or revisional orders. Hence, in my view, it is not necessary to invoke extraordinary jurisdiction by way of this Writ Petition without invoking the efficacious alternative remedies available to the petitioner.

Learned Senior Counsel for the petitioner states that the appeal would be filed within one week from today. Hence, if the appeal is accordingly filed, pending hearing and disposal of the said appeal, the impugned proceedings shall remain stayed and shall be subject to the final orders in such appeal.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall

stand closed.

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**VILAS V. AFZULPURKAR, J**

20.01.2016  
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- [\[1\]](#) 2008 (5) ALT 313 (D.B.)
  - [\[2\]](#) 2009 (4) ALT 1 (D.B.)