

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.4122 OF 2016

ORDER:

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

The petitioner's application under Form VI-A of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') for mutation of his name in the revenue records has been considered and rejected under the impugned memo dated 04.01.2016. The impugned memo states that the lands are assigned lands and are only heritable but not alienable and the request of the petitioner for grant of patta on the basis of registered document No.3967/2015 was declined to be considered. The same is the subject matter of an appeal under the Act and there is no reason why the petitioner should not invoke the remedy of appeal available to him. The present Writ Petition is filed merely on the ground that the Tahsildar, Chityal Mandal, Nalgonda District, the 3rd respondent, did not give him an opportunity of hearing before passing the impugned memo.

It is however evident that the 3rd respondent has not exercised any adversarial jurisdiction and as he was only considering the petitioner's application for mutation of his name in the revenue records, it cannot be said that principles of natural justice are violated. Even in such cases, it is well settled that principles of natural justice cannot be put in a straight jacket formula. Hence, I am not inclined to entertain the Writ Petition. However, the petitioner is at liberty to avail the appellate remedy available to him under the Act, as aforesaid.

The Writ Petition is accordingly 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

Date:10.02.2016

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