

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.40884 OF 2016

ORDER

Heard learned counsel appearing for the petitioner and learned Government Pleader for Tribal Welfare appearing for respondent Nos.1 to 3.

This writ petition is filed seeking to declare the proceedings dated 10.11.2015 issued by the 3rd respondent, as arbitrary and illegal.

The petitioner claims that he is the owner and possessor of the agricultural land to an extent of Ac.10.00 cents in R.S.No.88 of Darbhagudem Village, Jeelugumilli Mandal, West Godavari District. His father purchased the said land from one Pydimarla Krishna Reddy on 21.7.1968 i.e., prior to commencement of the Land Transfer Regulations 1/59 as amended by Regulation 1/70. While so, one M.Sankara Rao filed a complaint before the 3rd respondent under the provisions of Regulation 1/70 seeking eviction of the petitioner and his brother from the land covered by R.S.Nos.84/4, 88, & 85. The said complaint was numbered as S.R.No.26/2004. After enquiry, the 3rd respondent *vide* order dated 30.3.2005 dis-allowed the claim of the said Sankara Rao and the said order has become final. Thereafter, yet another complaint was filed by the 4th respondent against one Mandava Venkataratnam, before the Special Deputy Collector, Tribal Welfare, Polavaram, and the same was numbered as S.R.No.116 of 2015 in respect of the land to an extent of Ac. 12.00 in R.S.No.88. The Special Deputy

Collector *vide* proceedings dated 10.11.2015 allowed the claim of the 4th respondent.

The grievance of the petitioner is that without impleading him in S.R.No.116 of 2015, the impugned order dated 10.11.2015, was passed and that the said order is not binding on him. Challenging the same, the present writ petition is filed.

If the petitioner is the owner of the property involved in S.R.No.116 of 2015, it is open to him to obtain leave and prefer an appeal before the appellate authority as there is a provision for appeal against the order passed by the 3rd respondent. Without preferring the appeal, the petitioner filed the present writ petition only on the ground that the order impugned was passed at the instance of the 4th respondent against one Mandava Venkataratnam, without issuing notice to him.

In those circumstances, the petitioner can either ignore the order or prefer an appeal before the competent authority. The present writ petition is not maintainable in view of availability of efficacious alternative remedy.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

8th March, 2017
rkk

