

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4687 & 4691 OF 2017

COMMON ORDER:

Since the subject matter of both the writ petition is one and the same, both are heard together and disposed of by this common order.

Learned Assistant Government Pleader for Revenue submits that the Division Bench of this Court in ***K.Chandra Sekhara Rao and others v. District Collector, Hyderabad and others***¹ held that against the impugned order, Revision lies under Section 28 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'), as such the writ petition cannot be entertained.

Learned counsel for the petitioners submits that though Revision is maintainable under Section 28, the Division Bench of this Court held that writ petition can also be maintained under Article 227 of Constitution of India. As such, writ petition can be entertained.

The Division Bench of this Court while answering the reference held as follows:

“The appellate order passed under Section 24(1) by the prescribed authority, the District Collector, as well as the reference order passed by the prescribed authority, the Special Tribunal, under Section 24(2) is revisable by the High Court in exercise of the power conferred by Section of the Act of 1955, on the limited grounds prescribed thereunder. Beyond the scope of such revision, these orders are conferred with finality on purely factual aspects.

Notwithstanding the act of a party in withdrawing the application filed by it seeking conversion of a statutory revision into one under Article 227 of the Constitution, it

¹ 2016 (6) ALD 272(DB)

would always be open to the Court, either *suo motu* or upon an application of the party, to consider whether it should exercise its plenary power and permit conversion of a statutory revision into one under Article 227 of Constitution of India.”

When petitioners have alternate remedy of Revision under Section 28 of the Act, the petitioners can avail the same or file Revision under Article 227 of Constitution of India, therefore this Court cannot entertain the writ petition under Article 226 of Constitution of India.

When the same is pointed out, learned counsel for the petitioners submits that writ petition can also be entertained and no application is necessary for conversion of the same.

When alternate remedy is available, I am not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed granting liberty to the petitioner to avail remedy either under Section 28 of the Act or under Article 227 of Constitution of India. There shall be no order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

10.02.2017
dv