

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14029 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking a writ of mandamus declaring the proceedings of the third respondent in Rc.E.No.116/2016, dated 06.04.2017, as illegal, arbitrary and without jurisdiction in the light of the ratio laid down by the Division Bench of this Court in **Ratnamma v. Revenue Divisional Officer, Dharmavaram, Anantapur District**¹.

I have heard the submissions of Sri K.Sitaram, learned Counsel for the petitioner, of Sri Virupaksha Dattatreya Gouda, learned Counsel for the fifth respondent, and of the learned Government Pleader for Revenue, appearing for respondents 1 to 4. I have perused the material on record.

Learned Counsel for the petitioner submits that the third respondent – Revenue Divisional Officer, has no jurisdiction to entertain the appeal and pass the impugned order in view of the decision of the Division Bench of this Court in **Ratnamma's** case (supra) and, therefore, the impugned order is liable to be set aside.

I have gone through the decision cited.

¹ 2015 (6) ALD 609 (DB)

Learned Counsel for the petitioner also brings to the notice of this Court that, on 19.04.2017, this Court while admitting the Writ Petition granted interim suspension of the order impugned, which was passed by the third respondent, however, *interalia* stating that the said interim order would not preclude the unofficial respondent from availing the alternative remedy under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. Learned Counsel further submits that, in that view of the matter, the Writ Petition can be disposed of finally.

Learned Counsel for the fifth respondent, while endorsing the said submission, would submit that liberty may be reserved to the fifth respondent to avail the alternative remedy. He does not dispute the settled legal position that is laid down in the aforestated decision and its applicability to the facts of the instant case.

Recording the submissions, the Writ Petition is disposed of declaring the proceedings impugned as illegal, arbitrary and without jurisdiction in the light of the ratio in the aforestated decision of this Court rendered by the Division Bench and reserving liberty to the fifth respondent for availing alternative remedy under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. In the event the fifth respondent avails the alternative remedy, as aforestated, the Joint Collector shall dispose of the same as expeditiously as

possible, however, in strict accordance with the procedure established by law; and, in any event, within four months from the date of filing of such revision by the fifth respondent.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

25.06.2018

vs

