

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.546 OF 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.17463 of 2005 dated 25.01.2018. The appellants herein filed the said Writ Petition seeking a mandamus to declare the order passed by the Revenue Divisional Officer dated 21.04.1999, as confirmed by the Joint Collector on 10.02.2003, as arbitrary and illegal.

The jurisdiction of the Joint Collector was invoked under Section 158(B) of the A.P.(T.A) Land Revenue Act, 1317 Fasli. Sri N.Subba Rao, learned counsel for the appellants-writ petitioners, would submit that, against the order passed by the Revenue Divisional Officer, under Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, an appeal lies, under Section 24(1) thereof, to the prescribed authority i.e the Chief Commissioner of Land Administration, and the mere fact that the appellants-writ petitioners availed an erroneous remedy of approaching the Joint Collector, under Section 158(B) of the Andhra Pradesh (Telangana Area) Land Revenue Act, would not disable them from preferring an appeal to Chief Commissioner of Land Administration under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act. Learned counsel would further submit that the observations made by the Learned Single Judge on merits, and in accepting the submissions urged by the learned Government Pleader without assigning reasons, would render the appellants-writ petitioners' remedy of approaching the Chief Commissioner of Land Administration, under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, futile.

The grievance of the appellants-writ petitioners, as put forth by Sri N.Subba Rao, learned counsel appearing on their behalf, is only with regards the observations in paragraph 6 of the order under appeal, whereby the Learned Single Judge, recording his agreement with the argument of the learned Government Pleader, dismissed the writ petition.

While we find force in the submission of Sri N.Subba Rao, learned counsel for the appellant-writ petitioners, that the Learned Single Judge has not assigned any reasons in the order under appeal for his having agreed with the submission of the learned Government Pleader, it is wholly unnecessary for us to dwell on this aspect as, on the appellants-writ petitioners being relegated to avail the remedy of approaching the Chief Commissioner of Land Administration under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, no observations could have been made on the merits of the dispute, including an expression of agreement with the submissions made by the learned Government Pleader.

Suffice it therefore, while affirming the order of the Learned Single Judge in so far as he had granted liberty to the appellants-writ petitioners to approach the appropriate authority (i.e the Chief Commissioner of Land Administration), to direct that, in case the appellants-writ petitioners avail such a remedy, the competent authority shall consider the said application on its merits uninfluenced by the observations made in the order under appeal. It is made clear that we have not expressed any opinion on the merits of the dispute or whether the appellants-writ petitioners can now, at this length of time, approach the Chief Commissioner of Land Administration against the order passed by the Revenue Divisional Officer under Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act on 21.04.1999,

as these are all matters for the Chief Commissioner of Land Administration to decide in accordance with law.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

02nd April, 2018
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Date: 02.04.2018

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