

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.18246 of 2018

ORDER:

Heard learned counsel Mr.Tuhin Kumar on 05.06.2018 and 06.06.2018 and also learned Assistant Government Pleader for Revenue.

The petitioner aggrieved by alleged unilateral deletion of petitioner's name against Sy.Nos.73 and 75 admeasuring Ac.13-34 gts situated at Thimmineni Palem, Chinthakani Palem, Khammam District in 1-B register etc., has filed the present writ petition.

The prayer as well as the writ affidavit refers to a grievance arising under the A.P.Rights in Land and Pattadar Passbooks Act, 1971.

Mr.Tuhin Kumar does not dispute that remedy of revision in a case like the present one though is available, petitioner is compelled to invoke jurisdiction of this Court for respondent Nos.2 to 4 are passing orders in a mechanical way. He further contends that the petitioner is supported by documentary evidence to claim propriety right to the subject matter of the writ petition. He prays for appropriate direction for restoring the name of the petitioner in 1-B register and also other revenue records.

The Assistant Government Pleader on the other hand objects maintainability of writ petition without

availing the statutory remedies under the Act. According to him, this Court in ***Kuruva Hanumanthamma v. Prl. Secy., Revenue Dept., Hyderabad and others***¹ had occasion to deal with scope of Section 9 of the Act.

The petitioner, since has already made revision on 15.03.2018, the same can be directed to be treated as appeal and the District Collector, Khammam District can be directed to dispose of the revision expeditiously.

I have perused the record and noted the submissions.

The petitioner is not disputing the availability of statutory revision under Section 9 of the Act but expressing apprehension of getting justice from respondent No.2. This Court is of the view that the scope and jurisdiction of revisional authority is considered in the decision referred to above. Therefore, petitioner can raise all objections against the deletion of name of the petitioner from revenue records and/or further state how the 4th respondent is under obligation to restore the name of petitioner for survey numbers and also continue to maintain the same by placing the entire record before the 2nd respondent.

This Court is of the view that petitioner as is evident from earlier orders claimed to be in possession of subject

¹ 2017 (6) ALT 449

mater of the writ petition, to meet the ends of justice, the writ petition is disposed of by this order:

- (a) The petitioner is given liberty, by enclosing a copy of this order to file revision against the action impugned in the writ petition.
- (b) The revision, if is filed as permitted by this Court, the same shall be taken on file and disposed of keeping in view the ratio laid down by this Court in ***Kuruva Hanumanthamma's case.***
- (c) The parties are directed to maintain *status-quo* as on date as regards physical features and possession of an extent Ac.13-34gts in Sy.No.73 & 75 till the disposal of the revision.
- (d) Revision is directed to be disposed of within three (03) months from the date of filing of revision. No order as to costs.

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

S. V. BHATT, J

Dt: 06.06.2018
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