

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3766 OF 2019

ORDER:

1 The petitioner is aggrieved by the rejection of his petitions dated 26.9.2017 and 02.10.2017, whereby he sought entry of his name in the revenue records as the pattadar and enjoyer of certain extents of land in Sy.Nos.174 and 176 of Kondapur Village, Kodimal Mandal, Jagtial District, under Memo dated 22.12.2018 issued by the Tahsildar, Kodimal Mandal.

2 Perusal of the impugned Memo dated 22.12.2018 reflects that the Tahsildar opined therein that the land in question stood in the name of a person other than whom the petitioner claims title under and rejected the request of the petitioner to carry out mutation in his favour.

3 Be it noted that the petitioner is provided efficacious remedies under the Telangana Rights in Land and Pattadar Passbooks Act, 1971, (for brevity 'the Act of 1971'), in the event he is aggrieved by the rejection of his request by the Tahsildar, Kodimal Mandal. It is not open to a party to ignore the statutory remedies provided to him and approach this Court directly by way of a Writ Petition. As long back as in the year 1985, in ASSISTANT COLLECTOR OF CENTRAL EXCISE V/ s. DUNLOP INDIA LTD.¹, the Supreme Court held as under:

....It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations, as for instance where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the prevention of public injury and the vindication of public justice require it that recourse may be had to Article 226 of the Constitution. But then the Court must have good and sufficient reason to bypass the alternative remedy provided by statute. Surely matters involving the revenue where statutory remedies are available are not such matters....

4 In the light of the aforestated edict, this Court would be chary of entertaining Writ Petitions when efficacious remedies are provided to the litigant.

5 The Writ Petition is accordingly dismissed on this short ground, leaving it open to the petitioner to take recourse to the statutory remedies available to him, in accordance with the due procedure, before the competent forum.

¹ (1985) 1 SCC 260

6 Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

25th February, 2019
Note: C.C. in Two days
B/o Kvsn

