

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4148 OF 2019

ORDER:

1 The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of Writ of Certiorari calling for the records in Appeal Case No E/205/2019 of the Respondent No 2 and set aside the same as being illegal arbitrary contrary to law unconstitutional and consequently direct the respondent authorities not to interfere with lawful possession of the petitioners over the subject land admeasuring Ac 431-50 gts in Sy.No.312 situated at Mailaram Village Nasrullabad Mandal erstwhile Birkur Mandal of composite Nizamabad District and pass and to grant such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

2 Be it noted that the impugned notice dated 11.01.2019 was issued by the Revenue Divisional Officer, Banswada, Nizamabad District, purporting to exercise appellate power under Section 5(5) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971. It is not in dispute that such an appeal would lie to the Revenue Divisional Officer in terms of the said provision. That being so, it is for the petitioners, who are arrayed as respondent Nos.1 to 4 in the said appeal, to appear before the appellate authority and raise their contentions on the merits of the matter. The appellate authority is bound to consider the same in accordance with law. At this stage, no cause is made out to interfere with the statutory appellate power of the Revenue Divisional Officer, Banswada, in exercise of writ jurisdiction.

3 The Writ Petition is therefore utterly misconceived and is accordingly dismissed.

4 Pending Miscellaneous Petitions, if any, shall also stand dismissed.

No order as to costs.

JUSTICE SANJAY KUMAR

28th February, 2019
Kvsn