THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7111 OF 2019

Date:08.04.2019

Between:

Redapangu Peda Venkateswarlu,
S/o. Late Chinthaiah, aged
About 44 years, Occ: Agriculture,
R/o. Pedaveedu Village, Mattampally
Mandal, Suryapet District and another .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others .. Respondents

The Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for respondents 1 to 5.

2. Petitioners are aggrieved by the decision of Tahsildar made in proceedings No.B/456/2013, dated nil.01.2017. By these proceedings, the Tahsildar set aside the earlier orders regarding the entries made in the revenue records reflecting the name of Redapangu Venkamma to an extent of Acs.8.37 guntas, Redapangu Venkateshwarlu to an extent of Acs.6.00 and Redapangu Chinthaiah to an extent of Acs.3.20 guntas from the pahani of the year 2008-09 and also cancelled pattadar passbook and title deeds.

3. A reading of the order impugned would show that aggrieved by the decision of the Tahsildar, appeal was preferred under Section 5 (5) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act, 1971') and on due consideration, the Revenue Divisional Officer, Miryalguda, Suryapet, directed the Tahsildar to exercise power under Section 166 (3) of the Telangana Land Revenue Act, 1317 Fasli and pass appropriate orders. Consequent to the directions of the Revenue Divisional Officer, notices were issued and on consideration of the respective submissions, the Tahsildar passed orders, impugned in the Writ Petition.

4. Under the Telangana Land Revenue Act, 1317 Fasli, remedy of revision is provided under Section 166 (B) against the decision made by the lower authority. Similarly, under Section 9 of the Act, 1971 remedy of revision is provided against the decision of the lower authority. Since the entries in the revenue records as well as pattadar passbooks and title deeds are cancelled, petitioners can avail remedies provided under the Telangana Land Revenue Act, 1317 Fasli or the Act, 1971, as the case may be. Without availing the said remedies, this Writ Petition is filed by the petitioners.

5. Though learned counsel for the petitioners sought to contend on merits that the decision made by the Tahsildar is not valid in law and though sought to contend that the order was passed by the incompetent authority, having regard to the provision in Section 166 (3) of the Telangana Land Revenue Act, 1317 Fasli, it cannot be said that Tahsildar is not competent. Moreover, the Tahsildar has undertaken the exercise as per the directions of the Revenue Divisional Officer in appeal filed under Section 5 (5) of the Act, wherein he was a party. The decision of the Revenue Divisional Officer directing the Tahsildar to exercise power under Section 166 (3) of the Telangana Land Revenue Act, 1317 Fasli is not under challenge. *Prima facie* reading of Section 166 (3) of the Telangana Land Revenue Act, 1317 Fasli also, it is apparent that the Tahsildar is competent to take a decision, as made. Having regard to the same, the Court is not inclined to entertain the Writ Petition, when effective and efficacious remedies are available to the petitioners.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioners to avail appropriate remedies as available in law. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:08.04.2019
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