

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.23644 of 2019

ORDER:

This writ petition is filed seeking to quash the judgment and decree dated 30.03.2019 in O.S.No.89 of 2018 passed by the second respondent-Agent to Government & District Magistrate, Bhadradi Kothagudem.

The subject suit was filed by the petitioners-plaintiffs, under Rules 7 and 14 of the Andhra Pradesh Agency Rules, 1924, read with Section 26 and Order VII Rule 1 of the Code of Civil Procedure, 1908, before the second respondent, seeking correction of entries in their favour in the revenue records and for perpetual injunction restraining the defendants therein from interfering with their peaceful possession and enjoyment over the suit schedule property.

By the aforesaid judgment dated 30.03.2019, the second respondent observed that, as the petitioners-plaintiffs did not avail the remedies available to them under the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'), for correction of entries, it was not open for them to file a suit for perpetual injunction and correction of entries in the revenue records, straight away, and accordingly, dismissed the said suit as not maintainable.

Heard Smt. N. Manga Shree, learned counsel for the petitioners, and the learned Government Pleader for Social Welfare.

Learned counsel for the petitioners would submit that the second respondent, while coming to the conclusion that the subject suit and the relief sought therein being not in accordance with law, ought to have granted liberty to the petitioners-plaintiffs to approach the appropriate authority for redressal of their grievance and, therefore, she prays for grant of such liberty.

Considering the fact that such liberty has not been granted to the petitioners-plaintiffs, while dismissing the subject suit, this Court is of the considered view that liberty may be granted to the petitioners to approach the appropriate authority seeking redressal of their grievance, when an efficacious alternative remedy is available to them.

Hence, this writ petition is disposed of, granting liberty to the petitioners to approach the appropriate authority, i.e., the Tahsildar concerned, seeking correction of entries in the revenue records by making necessary application under Section 3 of the Act of 1971, and on filing such application, the said authority shall consider the same in accordance with law, in terms of G.O.Ms.No.406 dated 27.06.1990. No order as to costs.

Pending miscellaneous petitions, if any in this writ petition, shall stand closed in the light of this final order.

JUSTICE T. VINOD KUMAR

30.10.2019.
Msr



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