

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.27038 of 2019

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“... to issue a writ or direction preferably a writ in the nature of writ of Certiorari calling for the records pertaining Lr.No.B/456/2018, dated 08.07.2019 passed by the respondent No.2 and set aside the same as it is against the principles of natural justice, illegal, arbitrary, against Article 300-A of Constitution of India and consequently direct the respondent No.2 to issue new pattadar passbook in place of old pattadar pass book and title deed in respect of 2 acres 16.75 guntas of land in Sy.No.396A/1 of Indriyala Village, Shivareddygudem (GP), Boodan Pochampally Mandal, Yadadribhongir District.”

Learned Government Pleader appearing for respondent Nos.1 and 2 submits that the order impugned in the writ petition is appealable under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, (for short, the Act).

That apart, in the affidavit filed in support of the writ petition, the petitioner has not made out any case falling within the three exceptions carved out for filing of the writ petition when there is an alternative remedy of appeal. Therefore, this Court is of the opinion that the writ petition, as filed, is not maintainable.

Accordingly, the writ petition is dismissed, giving liberty to the petitioner to pursue the appeal as contemplated under Section 5(5) of the Act. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 05.02.2020.
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