

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
THE HON'BLE SRI JUSTICE B KRISHNA MOHAN**

WRIT PETITION No.10161 of 2023

1. Sri Maharaja Alak Narayan
Society of Arts & Sciences,
(MANSAS Trust) Rep., by its
Executive Officer, Endowments
Department, Fort, Vizianagaram
District.

.... Petitioner

And

2. State of Andhra Pradesh, Rep. by
its Principal Secretary, Revenue
Department, Andhra Pradesh
Secretariat, Velagapudi,
Amaravati, Guntur District -
522503 and 24 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue for the respondent Nos.1 to 4. If the issuance of notice to the unofficial respondents from 5 to 25 have dispensed with, no prejudice would cause to them, if this writ petition is disposed of in their absence.

2. The grievance of the writ petitioner is that the respondent No.2 passed an order dated 15.06.2022 without adhering to the Government Memo No.482291/Endts.II/2017 dated 08.02.2017. The counsel for the petitioner submits that the respondent No.2 while

dismissing the revision petition on the sole ground that the revision petitioner has not availed the remedy of appeal before the Appellate authority Visakhapatnam under Section-5 (5) of Pattadar Pass Books Act, 1971 and has approached directly.

3. The second respondent by way of the revision which was made for the 2nd respondent to pass this impugned order dated 15.06.2022, it is the contention of the counsel for the petitioner that, while remanding the matter, directed the revision petitioner to approach the Appellate authority. He has also made certain observations on the merits of the case, which causes the detrimental in nature to the case of the petitioner. Even if the petitioner avails the remedy of appeal they said observations in the impugned order may prejudice and cause the rights of the petitioner in Joe-paradise to substantiate its case before the said Appellate authority.

4. The grievance of the writ petitioner is that ultimately as on today the 3rd respondent has issued Pattadar Pass Books and Title Deeds in respect of the subject lands erroneously without considering the claim of the petitioner, to the unofficial respondent Nos. 5 to 25.

5. On the other hand, the learned Assistant Government Pleader for revenue, appearing for the respondent Nos. 1 to 4, also submits that, the petitioner has got an effective and alternative remedy of appeal before the 4th respondent.

6. There was an action taken by the 3rd respondent in the matter of issuance of Pattadar Pass Books and Title Deeds in favour of the unofficial respondents. Having regard to the above said facts and circumstances, since there is an effective alternative remedy, the case of the petitioner can be Canvassed effectively in the light of the memo issued by the Government of Andhra Pradesh, as stated *supra*, besides substantiating their case on merits with respect to the subject lands. The petitioner is directed to prefer an appeal before the 4th respondent within a period of 4 weeks from the date of receipt of this order. Upon hearing of the parties concerned, including the petitioner and the unofficial respondent Nos.5 to 25, the Appellate authority/4th respondent herein shall consider and dispose of the same strictly in accordance with law within a period of 4 months. Thereafter, the decision shall be taken strictly on merits of the appeal without reference to any observations made by the 2nd respondent in the impugned order dated 15.06.2022.

7. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

21.04.2023
CVD/BSK