

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.19913 OF 2020

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, declaring the action of the fourth respondent in issuing endorsement vide RC No.647 of 2020 dated 15.10.2020 in the petitioner's land in Sy.No.7/2 of Ac.0-88 cents situated in Puvvada Village of Nuzendla Mandal, Guntur District, as illegal, arbitrary and against the rights guaranteed by the Constitution of India and consequently direct the fourth respondent to include the name of the petitioner in the land in Sy.No.7/2 of Ac.0-88 cents situated in Puvvada Village of Nuzendla Mandal, Guntur District in the web lands.

The endorsement under challenge is issued by 4th respondent on 15.10.2020. Against such order, an appeal lies under Section 10 of the Act, before the District Collector. But, without availing the statutory remedy of appeal, petitioner approached this Court, seeking discretionary relief under Article 226 of Constitution of India. When a statutory remedy of appeal is available, the petitioner cannot approach the High Court by filing writ petition under Article 226 of the Constitution of India, bye-passing the statutory remedy of appeal. Therefore, the petitioner is relegated to file appeal under Section 10 of the Act. But, the apprehension of the petitioner is that respondents are trying to take over possession of the subject property, without waiting till expiry of appeal time, permitted under Section 10 of the Act.

Taking into consideration the appeal time under Section 10 of the Act, respondents are directed not to dispossess the petitioner under the guise of impugned endorsement till expiry of appeal time by applying the principle laid down in **Rahmatullah Khan and Anr. Vs. Government of Andhra Pradesh and Ors**¹, while permitting the petitioner to avail the appeal remedy available under the statute.

With the above direction, writ petition is disposed of. There shall be no order as to costs.

Consequently miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 22.10.2020

SP

¹ 2014(2) Andh LD 272