

**HON'BLE SRI JUSTICE S.V.BHATT**

**C.R.P.No.4391 OF 2015**

**ORDER:**

Heard Sri J.Ugra Narasimha, learned counsel for the petitioner and Sri A.V.Sivaiah, learned Government Pleader for Arbitration for respondents.

The revision is directed against order dated 27.08.2015 in L.R.A. No.1 of 2010 before the Land Reforms Appellate Tribunal - cum- I Additional District Judge, Nellore.

The issue arises under the Andhra Pradesh Land Reforms (Ceiling On Agriculture Holdings) Act, 1973 (for short 'the Act').

Briefly stated, the circumstances relevant for disposal of the C.R.P. are as follows:

Pelleti Venktakrishna Reddy and four individuals from 'Pelleti' family have filed declarations under the Act. The declarations are taken on file as C.C. Nos.1502/GDR/75, 1930/GDR/75, 1931/GDR/75, 1976/GDR/75 and 1977/GDR/75. The 2<sup>nd</sup> respondent determined the surplus ceiling of declarants through common order dated 28.06.1977.

The revision petitioner in the year 2010 filed representation with the following prayer:

"This property forms the private property of Dubagunta Sreedhar as a legatee of St.Dubagunta Rajamma widow of the late Dubagunta Seetharamaiah and they are entitled to grant pattadar pass books under the record of Right in Land Act., if there be any records indicating the Government having taken possession of this land. Such a proceeding has to be declared and corresponding, adangal extract delte void, and the matter to be re-opened and the right of the late Dubagunta Seetharamaiah for Ac.4-29 cents under a gift from Pelleti Shakunthamma to be recognised, the adangal extract for faslis 1400,1410,1413,1414, 1415, would show possession held by the late Dubagunta Seetharamaiah the R.O.R. records would indicate Seetharamaiah's possession."

The 2<sup>nd</sup> respondent through order dated 20.12.2010 rejected the prayer. The revision petitioner filed appeal under the Act and was taken on file as L.R.A. No.1 of 2010. These details are referred *prima facie* to show that the revision petitioner admittedly a stranger to the family claims title and possession to the following survey numbers:

| <u>Survey No.</u> | <u>Extent</u> | <u>Classification</u> |
|-------------------|---------------|-----------------------|
| 13/3              | Ac.1.25 cents | Wet                   |
| 14/1              | Ac.2.00 cents | Wet                   |
| 14/2              | Ac.0.14 cents | Dry                   |
| 15                | Ac.0.50 cents | Dry                   |
| 17                | Ac.0.40 cents | Dry                   |

The revision petitioner claims that the said land was gifted in favour of Dubagunta Seetaramaiah, grandfather of revision petitioner and subsequently, Dubagunta Rajamma w/o. Debagunta Seetaramaiah executed registered Will dated 18.10.2007 in his favour. This Court has taken note of the findings recorded by the 2<sup>nd</sup> respondent as well as the appellate Tribunal.

The crux of the matter is whether revision petitioner being a stranger to the declarants' family without valid and legal transfer of petition land can claim exclusion of petition land from the holdings of Pelleti Venkatakrishna Reddy and others when admittedly these proceedings have become final long ago?

I have no hesitation to observe that the effort for exclusion of petition land through representation filed in 2010 or the alleged claim of possession in the year 1976 is completely misconceived. The cogent findings of fact recorded by the appellate Tribunal are as follows:

“... it is pertinent to note the appellant who claims the property of Ac.3.04 cents have been devolved through Pelleti

Sakunthamma did not state any where as to when Sakunthamma gifted the property to his father. Petitioner/appellant should have legal character to claim any right in the property when he is claiming right through his father and his father got the property through a gift deed. Then there should be material before the Land Reforms Tribunal to consider whether the properties are to be regarded or disregarded for computation of the holding. Not a scrap of paper is filed before the Land Reforms Tribunal in this case to show that Dubagunta Seetharamaiah got the property by means of gift deed from Sakunthamma. That contention was negatived by Land Reforms Tribunal as early as in the year 1977. If there is any valid document under which Dubagunta Seetharamaiah got right in the property, so as to claim made by the appellant should have placed the material before the Tribunal firstly. The further contention of the appellant that there is a dispute with regard to the petitioner's property and therefore it does not come within purview of Ceiling Act is also not tenable because the appellant did not place a single paper to show his right and possession in the property. Had he filed any document before the Land Reforms Tribunal there is some say to the appellant agitating that there is a dispute with regard to the title and therefore the Government cannot take possession. But without filing a single paper the appellant now wants to agitate in a second round of litigation that they are entitled for pattadar pass books under ROR Act or to seek to recognise the rights of Dubagunta Seetharamaiah in the property."

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"The Land Reforms Tribunal having considered the fact that the gift deed of Sakunthamma alleged to have been executed is unregistered gift deed reflected the plea of appellant to reopen the case which was already decided earlier. So, this fact right from 1977 has been observed by the Land Reforms Tribunal, Appellate Tribunal. Once the order was passed under Section 9 of the Act and became final and properties are taken possession on 7.6.2003 as seen from the order of Land Reforms Appellate and the appellants now cannot agitate again to reopen the matter and ask for recognition of their rights or for issue of pattadar pass books. A.P. Land Reforms (Ceiling and Agriculture Holdings) Act, 1973 does not contain any provisions to the Tribunals to review the orders when there is no power of review, Tribunal cannot reopen the case to consider the grievance of Appellant. Before seeking any relief in a Tribunal Appellant has to establish his right in the property."

Apart from the findings of fact recorded by the Tribunal and

primary authority, this Court is of the view that the revision should fail, for the petitioner does not show the jurisdiction of primary authority to entertain the representation for exclusion of lands and even assuming jurisdiction is there, the petitioner has not placed documentary evidence in support of his pleas.

I am in complete agreement with the findings recorded by the appellate Tribunal. I see no illegality or irregularity in the judgment impugned in the revision and accordingly the revision is dismissed. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

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**S.V.BHATT, J**

Date: 23.12.2015

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