

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**TUESDAY, THE SIXTH DAY OF SEPTEMBER,
TWO THOUSAND AND SIXTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

Writ Petition No.15110 of 2007

Between:

Kone Satyanarayana, s/o.Chinnabbayi, Hindu, aged about 78 years,
occ:Cultivation, R/o.Ramanujapuram, Buttayagudem Mandal, West
Godavari District and another.

.. Petitioners

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary,
Social Welfare, L.T.R.I. Department, Secretariat Buildings, Hyderabad
and others.

.. Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO**W.P.No.15110 of 2007****ORDER**

The Special Deputy Tahsildar (Tribal Welfare) No.I, K.R.Puram, filed a complaint under Section 3(2)(a) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 (Regulation 1 of 1959), as amended by Regulation 1 of 1970, stating that the schedule mentioned land situated in Laxmudugudem Village of Buttaygudem Mandal, which falls in agency area, was in possession and enjoyment of respondents, who are non-tribals, in contravention of Sub-section (1) of Section 3 of Regulation 1 of 1959 and requested to take possession of said land after ejecting the respondents and declaring the alleged transaction of gift in favour of second respondent as null and void. The Special Deputy Collector registered the complaint as S.R.No.1194 of 1990 and took up the proceedings under Regulation 1 of 1959. After considering the evidence on record, he has held that the gift transaction took place between two non-tribals after coming into force of Regulation 1 of 1970 is null and void. Thus, the claim of the Special Deputy Tahsildar was allowed and the Mandal Revenue Officer, Buttaygudem, was directed to eject respondents from the schedule land. The appeal preferred against the said order was dismissed by the Agent to Government. On revision, the Government considered the matter in detail and by orders impugned in this writ petition, rejected the revision. Hence, this writ petition.

2. Heard learned counsel for petitioners and learned Government Pleader for Social Welfare for respondents.

3. The only submission urged by the learned counsel for petitioners is that there was a sale transaction made in the year 1933, by which, the property vested in the name of Polanati Gangaiah, who was Kapu by caste, and the same was recorded in R.S.R. It was the contention on behalf of petitioners that the grandmother of first respondent, by name, Kone Papayamma, purchased the said land from Polanati Gangaiah and the said purchase was made prior to coming into force of Regulation 1 of 1970 and therefore, there is no illegality in possession of the said land by the family members of Kone Papayamma and the gift of the said land by Kone Satyanarayana Murthy in favour of Kone Yuvarani.

4. The facts, which are not in dispute, are that, according to the revenue records, the land stood in the name of Polanati Gangaiah. The claim of petitioners was that Kone Papayamma purchased the said land much prior to coming into force of Regulation 1 of 1970. As property devolved on Kone Satyanarayana Murthy, who has transferred the said property in favour of Kone Yuvarani, by way of gift deed in the year 1986 and the same was registered, the vesting of property in the name of Kone Yuvarani is justified. This defence of petitioners was rejected by the original authority and affirmed by the appellate as well as revisional authorities. It was categorically held by the original authority that petitioners failed to produce any evidence in support of their claim that late Kone Papayamma purchased the land from Polanati Gangaiah, and in the absence of any material in support of their claim, the stand of petitioners that the said purchase was made prior to Regulation 1 of 1970 was rejected. This is the finding of fact recorded by the original

authority and affirmed by the appellate as well as revisional authority. It is not in dispute that the alleged sale transaction claimed by the petitioners was never brought on record before all the authorities under Regulation 1 of 1959. Such being the finding of fact, which is not controverted, and that no document is marked in support of the claim, this Court, in exercise of power of judicial review under Article 226 of the Constitution of India, cannot upset the finding arrived at by the fact finding authorities under Regulation 1 of 1959.

5. I see no merit in the contentions urged by the petitioners. I see no error much less patent error in the decision arrived at by the original authority, Agent to Government and the Government.

6. The writ petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

6th September, 2016
sj

P. NAVEEN RAO, J