

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.2550 OF 2016

ORDER:

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The Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved over the order, dated 04.05.2016, passed in L.C.C.No.649/Rjy/75, by the Land Reforms Tribunal, Rajamahendravaram, (the Primary Tribunal, for brevity), whereby the Primary Tribunal declared that the family holding of the declarant under Section 9 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act (the Act, for brevity) is equivalent to 1.1674 standard holdings (S.H) and an extent of land equivalent to 0.1674 S.H. is treated as in excess of the holding after deducting his family eligibility of 1.0000 S.H., as the declarant died in due course of enquiry, the legal representative of the declarant is liable for submitting the list of lands for surrender.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Land Reforms Appellate Tribunal-cum-IV Additional District Court, East Godavari, Kakinada, (the Appellate Tribunal, for brevity), allowed the Appeal being L.R.A.No.27 of 1992 by setting aside the order passed in L.C.C.No.649/Rjy/1975 and the matter is remanded to Primary Tribunal with a direction to enquire into the matter after giving reasonable opportunity to the petitioner herein to submit material papers and evidence in respect of the acquired land by the Government and the material papers relating to the Partition Suit in O.S.No.92 of 1975 and to apply Section 4(A) of the Act by conducting fresh enquiry, and while doing so, to take into consideration final decree in O.S.No.92 of 1975. But, the Primary Tribunal failed to see the observations of the Appellate Tribunal and without deciding the points raised by the Appellate Tribunal, the Primary Tribunal passed the order impugned in the civil revision petition. Hence, he seeks to set aside the order impugned and prays this Court to direct the Primary Tribunal to pass appropriate orders after considering all the points observed by the Appellate Tribunal.

This Court, on perusing the order impugned and also the Judgment

of the Appellate Tribunal, set aside the order dated 04.05.2016 passed in L.C.C.No.649/Rjy/75. The Primary Tribunal is directed to restore L.C.C.No.649/Rjy/75 and to consider the following points, as observed by the Appellate Tribunal, and to pass appropriate orders on hearing the parties.

1. On the partition suit pending in O.S.No.92 of 1975, the lower Tribunal shall decide the case after the decree passed therein.
2. For applying Section 4(A) of the Act.
3. Follow the directions of the LRAT in L.R.A.No.93 of 1989.
4. For the lands acquired as submitted by the petitioners, verifying the material papers and to take action.
5. Recompute the holding of the declarant.

The Civil Revision Petition, with the above observations, is disposed of.

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

JUSTICE RAJA ELANGO

27.07.2016

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