

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION NO.1056 OF 2014

ORDER:

This Civil Revision Petition is filed challenging the judgment and decree, dated 31-07-2013 in A.T.A.No.12 of 2012 on the file of the Tenancy Appellate Tribunal (Principal District Judge), West Godavari at Eluru, confirming the order and decree, dated 19-03-2012 in A.T.C.No.50 of 2005 on the file of the Learned Special Officer (Tenancy)-cum-I Additional Junior Civil Judge, Tanuku.

2. Petitioners herein are the cultivating tenants in respect of agricultural land to an extent of Ac.8.43 cents in Vaduluru Village, Undrajavaram Mandal, West Godavari District.

3. Petitioners herein filed the above ATC No.50 of 2005 for grant of remission of maktha payable for Sarva Crop of 2005-06 payable by 31st January, 2006 in respect of the said property. The petitioners also filed ATC No.30 of 2005 seeking injunction against the respondents restraining them from interfering with the possession and enjoyment of the petition schedule property. Both the ATCs were heard together and the ATC filed for grant of injunction was allowed and the ATC filed for remission of maktha was dismissed by common order, dated 19-03-2012. Insofar as granting injunction is concerned, no appeal is filed and the said order has become final. Insofar as dismissal of ATC for grant of remission of maktha is concerned, the petitioners herein filed the above ATA No.12 of 2012 and the same was also dismissed vide impugned judgment. Challenging the same, the present revision is filed.

4. The appeal was mainly dismissed on the ground that as per the notification issued by the District Collector, West Godavari, dated 24-05-2005, Vadluru Village of Undrajavaram Mandal was not included as an affected area due to floods and hence, the plea raised by the petitioners that their crop was damaged due to floods was held to be unbelievable. In view of concurrent findings of fact recorded by both the Courts, I am not inclined to admit the revision and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed at the

stage of admission. However, this order will not prevent the petitioners from taking appropriate pleas in accordance with law in any subsequent proceedings. No order as to costs. Miscellaneous petitions, if any pending in this petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 19-01-2016

Hsd