

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 2814 of 1995

ORDER:

1) Aggrieved by the order dated 25.01.1994 passed in L.R.A.No.28 of 1993 on the file of the Land Reforms Appellate Tribunal, Nalgonda, the present Civil Revision Petition is filed under section 21 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short "the Act").

2) The facts in issue are as under:

One Thripurari Meenakshamma, W/o. Mrutyanjaya Rao, Edulloor Village, Nalgonda District filed a declaration under Section 8 of the Act on 10.04.1975, wherein she declared her holding as Ac.63.83 of dry and wet land. The said declaration was referred to Tahsildar, Nalgonda for verification. A Public Notice in Form-IV was issued calling for objections and a notice under Rule 4 (b) of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 was issued intimating the receipt of such declaration and its availability in the office of the Tribunal for public inspection. The record discloses that no objections were received and no representation was also received by the Land Reforms Tribunal from anyone challenging the contents of the declaration. After considering the material on record, the Land Reforms Tribunal held that the declarant holds an agricultural land equivalent to 1.4098 standard holding in excess of ceiling area which is liable to be surrendered under

Section 10 (1) of the Act. Challenging the same, L.R.A.No.28 of 1993 came to be filed. The said appeal was allowed setting aside the order under appeal. Aggrieved by the same, the Authorized Officer, Land Reforms, Nalgonda, filed the present C.R.P.

3) Learned counsel for the petitioner would submit that the findings of the appellate authority in setting aside the order of the Tribunal is illegal, improper and incorrect. It is his case that once compensation has been received; surplus land has been surrendered and which has been taken possession of, it cannot now be said that the said land is in possession of protected tenant. Since nothing has been prescribed in favour of protected tenants except entries in the record, he submits that the order under challenge warrants interference.

4) The same is opposed by the learned counsel for the respondents. According to him, the entries in the revenue records are final and basing on the entries in the revenue records the appellate authority only directed the Tribunal to enquire in to the matter. In view of the above, he submits that there is nothing for adjudication in the present Civil Revision Petition.

5) As per the orders dated 24.09.1976 one T.Meenakshamma was found holding surplus land equivalent to 1.4098 S.H. Aggrieved by the said orders, she filed L.R.A.No.390/ 1976 which was partly allowed on 13.12.1977 holding that she holds surplus land equivalent to 1.1701 S.H. and pursuant to which revised orders were passed on 20.07.1978. Challenging the said revised

order, the declarant filed another appeal L.R.A.No.454/ 1978 which was partly allowed on 06.02.1979 directing the Tribunal to exclude 0.0878 S.H. from her holding. Aggrieved by the same, she filed C.R.P.No.1649 of 1979, which was dismissed on 05.10.1979.

6) The respondents herein filed their objection petition on 15.04.1993 before the Tribunal stating that they are legal heirs of protected tenants. It is urged that after the death of protected tenants they succeeded and inherited the protected tenancy rights over the property situated at Nakkalapally Village. They stated that even if the declarant surrendered the lands held by the protected tenants, the possession of the protected tenants shall not be disturbed, as the rights of the protected tenants are not sought to be disturbed by the Ceiling Act.

7) As per the Protected Tenancy Register, the landlord is the husband of the declarant and the protected tenant is Pallagorla Kanakaiah in respect of land admeasuring Ac.7.06 gts., in Sy.No.145 and land admeasuring Ac.1.13 gts., in Sy.No.79 situated at Nakkapallay. In respect of land admeasuring Ac.7.29 gts., in Sy.No.146 the protected tenant is Chilla Veeraiah, who is the father of respondent No.1. For the land admeasuring Ac.2.09 gts., in Sy.No.215, Ac.0.29 gts., in Sy.No.210, Ac.1.04 gts., in Sy.No.212, Ac.1.35 gts., in Sy.No.224, Ac.0.09 gts., in Sy.No.217, Ac.0.33 gts., in sy.No.221 and Ac.3.31 gts., in Sy.No.222 the protected tenant is Maddi Narsaiah, who is the father of appellant No.5. Land admeasuring Ac.9.03 gts., in Sy.No.144, Ac.6.25 gts.,

in Sy.No.148, Ac.4.03 gts., in Sy.No.157, Ac.4.37 gts., in Sy.No.158, Ac.1.03 gts., in Sy.No.159, Ac.0.30 gts., in Sy.No.152, Ac.0.20 gts., in Sy.No.153, Ac.0.24 gts., in Sy.No.154, Ac.0.17 gts., in Sy.No.155 and Ac.0.08 gts., in Sy.No.156 total Ac.39.19 gts., the protected tenant is Danthanaboina Rajaiah and respondents 6 to 9 are his legal heirs.

8) In *K.Lakshmaiah and another v. The Spl. Tahsildar (LR) and another*¹ this Court held as under:

“As right of the protected tenant is not sought to be disturbed by the Land Reforms (Ceiling on Agricultural Holdings) Act, the protected tenant would continue as protected tenant of the Government. In this case the protected tenants are holding land in excess of the ceiling area to which they are entitled they cannot be disposed of such land.”

9) As stated earlier the extract of the protected tenancy register clearly show that the protected tenants and their legal heirs are in possession of the land. It is to be noted that there is no dispute with regard to payment of compensation to the declarant. As seen from the impugned order, out of the surrendered lands Sy.Nos.209 and 229 are not the protected tenancy lands and the remaining lands are protected tenancy lands. For the reasons stated above, I do not see any illegality or irregularity in the impugned order.

¹ (1978) 2 APLJ 1678

10) Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

09.09.2016

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