

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.5496 of 2012

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ORDER:

This Civil Revision Petition by the State under Section 21 of the A.P Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 ('the Act', for brevity) is directed against the order dated 04.06.2012 of the learned Chairman, Land Appellate Tribunal, Ranga Reddy District at L.B.Nagar, Hyderabad passed in L.R.A.no.2 of 2005.

2. I have heard the submissions of the learned Government Pleader for Arbitration appearing for the revision petitioner/State and the learned Senior Counsel appearing for the respondents 1 to 5. The respondents 6 to 11 are stated to be not necessary parties. I have perused the material record.

3. At the hearing, it is submitted that the primary authority had passed an order dated 31.08.1976 in Proceedings No.M/1560/75 and finalized the lands declared as surplus and that the aggrieved declarant-Jagannadham had filed L.R.A.no.153 of 1978 and that the said appeal was disposed of by the Tribunal, by order dated 07.08.1978 and that later, the said Jagannadham died on 31.07.2002 and that after his death, his legal representatives, i.e., the respondents 1 to 5 herein had filed again an L.R.A.no.2 of 2005 even though the earlier LRA filed by the deceased Jagannadham in LRA 153 of 1978 has been disposed of on merits and that the Tribunal had allowed L.R.A.no.2 of 2005 by the impugned orders and that in the circumstances, the State is constrained to file the present revision petition.

4. During the course of hearing, it is fairly submitted that the present respondents 1 to 5, who are the appellants in L.R.A.no.2 of 2005 had already filed an application under Section 9(A) of the Act on 28.08.2015 and that the said application is pending before the primary authority for hearing in accordance with the procedure established by law.

5. In view of these undisputed and admitted facts, it is submitted by the learned Government Pleader and the learned Senior Counsel appearing for

the respondents 1 to 5 that this revision can be allowed and the impugned order be set aside subject to the observation that allowing of this revision shall not preclude the applicants, i.e., appellants in LRA 2 of 2005 to pursue their application filed under Section 9(A) of the Act and seek appropriate remedies, which the law permits.

6. Recording the said submissions, the Civil Revision Petition is allowed and the impugned order is set aside. However, it is made clear that allowing of this revision shall not preclude respondents 1 to 5 herein, i.e., appellants in L.R.A no. 2 of 2005 from prosecuting their application, filed under Section 9(A) of the Act in accordance with the procedure established by law by taking all the available contentions, which the law permits.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

31st March 2016
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