

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 2702 OF 2011**

**ORDER:**

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The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the order passed by the first respondent on 14.07.2010 upon the petition filed by the petitioner on 11.06.2010 requesting to recall the order dated 28.12.1981, without issuing any notice and without giving any opportunity, as illegal and arbitrary.

The averments in the affidavit filed in support of the writ petition would show that the petitioner claims himself to be absolute owner and possessor of the lands admeasuring 0.65 guntas in Survey No.279, Acs.5.00 in Survey No.128, 0.42 guntas in Survey No.432, 0.85 guntas in Survey No.816, 0.78 guntas in Survey No.488, 0.75 guntas in Survey No.282, 4.95 guntas in Survey No.448 and 0.68 guntas in Survey No.280 total admeasuring Acs.14.06 guntas in Medpalli village of Medpalli Mandal, Karimnagar District.

Learned counsel for the petitioner submits that the order passed by the Land Reforms Tribunal in the year 1981 was not put to his knowledge, though his place of residence was known to one and all. It is stated that the order which is passed under Section 10 (4) of the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act (for short, 'the Act') is contrary to Rule 16 (9) of the Rules and as such the same is illegal and arbitrary. He further submits that the order dated 14.07.2010,

passed by the RDO in not recalling the earlier order dated 28.12.1981 is illegal and arbitrary.

A counter came to be filed by the respondents opposing the same. It has been stated that the allegations made in the affidavit are false and that the petitioner was represented before the Tribunal. It is further urged that the Tribunal rightly rejected the application made for recalling an order passed after 40 years.

A perusal of the original file which has been placed before the Court would show that on 23.06.1980 the Land Reforms Tribunal in C.C.No.899/MT/75, issued notices to the petitioner which was acknowledged by him. Thereafter, on 18.02.1981, another notice was issued directing the petitioner to appear on 24.02.1981 at 11.00 a.m., to answer the claim and also to produce all documents upon which he intends to rely. The said notices were acknowledged by the petitioner. Thereafter, on 03.07.1981, another notice was issued calling upon the petitioner to appear before the Tribunal. On 23.09.1981, the Land Reforms Tribunal passed the impugned order, wherein, it is clearly mentioned that as no further evidence has been produced by the declarant and his advocate in the matter, the original orders of the Tribunal dated 30.05.1977, declaring the declarant as surplus holder to the extent of 0.3634 S.H., was confirmed. A reading of the order would show that the declaration filed by the petitioner was enquired into and as per the procedure laid down in Rule

6, the orders were passed by the Tribunal. It further indicates that after the order of the Tribunal, a public notice in Form 8 came to be issued before the office of the Tribunal and Gram Panchayat concerned on 08.12.1981, 16.12.1981 and 11.12.1981 calling for the objections if any with regard to the lands proposed to be surrendered and the same was announced by a beat of tom-tom in the village on 11.12.1981. No objections were received in this regard either from the parties or from the authorized officers. Hence, surrender of lands was approved in accordance with the provisions of Section 10 (4) of the Act. The record also discloses that in terms of Section 10(2) read with Section 12 of the Act, a notice in form 6 was issued to the person concerned with instructions to file required documents within 15 days therefrom. There was failure on the part of the declarant to file the same and as such the Tahsildar, Maidpalli, proposed to take lands on *suo-mottu* basis as stated earlier. An advocate appeared, for the petitioner, before the Tribunal and contested the matter and no documents were filed in support of his contention. As no further evidence was adduced by the declarant, the order passed by the Tahsildar on 30.05.1977 declaring the petitioner as surplus holder was upheld.

From the above, it is clear that land to an extent of Acs.14.03 cents was taken possession on 27.06.1982 itself and the assignment was made on 08.02.1984 to an extent of Acs.09.15 cents. It is also to be noted that nearly 40 years

after the order of the Land Reforms Tribunal, the petitioner preferred an application before the RDO to recall the order passed earlier. It is to be noted that the original order passed by the Land Reforms Tribunal was without giving any notice to the petitioner. But, as stated earlier, all the statutory requirements were complied with by the Land Reforms Tribunal in the year 1980 and the advocate also appeared on behalf of the petitioner before the Land Reforms Tribunal. Therefore, the finding of the RDO to recall the order passed nearly 30 years ago, when the rights of the parties are already settled, cannot be interfered with.

Hence, the Writ Petition is dismissed. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**JUSTICE C. PRAVEEN KUMAR**

25.02.2016

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