

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

**W.P.Nos.19062 of 2009, 19069 of 2009, 3329 of 2008 and
3362 of 2008**

COMMON ORDER :

Heard Parties-in-person, Sri K. Raghuveer Reddy, Sri N. Sridhar Reddy and Sri P. Sridhar Reddy, counsel for private respondents.

2. The petitioners in all these Writ Petitions are same.
3. In W.P.No.19062 of 2009 they challenge order dt.30.07.2009 in Case No.F1/3997/2007 of the Joint Collector-II, Ranga Reddy District under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, confirming the order dt.14.10.1991 in Proceedings No.L/1466/91 of the Revenue Divisional Officer, Chevella Division in respect of Acs.5.18 guntas in Survey No.85/2 and Acs.10.20 guntas in Survey No.86 situate at Kesaram Village, Chevella Mandal, Ranga Reddy District.
4. In W.P.No.19069 of 2009, they challenge order dt.30.07.2009 in Case No.F1/3997/2007 of the Joint Collector-II, Ranga Reddy District under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, confirming the order dt.05.07.1998 vide Proceedings No.L/4540/97 of the Revenue Divisional Officer, Chevella in respect of Acs.2.03 guntas in Survey No.86/A situate at Kesaram Village, Chevella Mandal, Ranga Reddy District.

5. In W.P.No.3329 of 2008 they challenge order dt.15.12.2007 in Case No.F/2375/2007 dt.15.12.2007 under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 of the Joint Collector-II, Ranga Reddy District, Hyderabad, confirming the order dt.19.08.1987 in File No.L/1082/1987 in respect of land in Survey No.50 admeasuring Acs.6.17 guntas situate at Kesaram Village, Chevella Mandal, Ranga Reddy District.

6. In W.P.No.3362 of 2008 they challenge order dt.19.05.2007 in Case No.F1/1987/2007 of the Joint Collector, Ranga Reddy District under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, confirming the order dt.19.08.1987 in File No.L/1080/87 of the Revenue Divisional Officer, Chevella Division in respect of land of extent Acs.2.09 ½ guntas situate at Kesaram Village, Chevella Mandal, Ranga Reddy District.

7. The petitioners' father is one Kalal Anga Goud *alias* Chinna Anja Goud, and their grand-father is one Kalal Eada Goud.

8. According to petitioners, their grand-father Kalal Eada Goud was the protected tenant of Acs.6.17 guntas in Survey No.50; Acs.2.09 ½ guntas in Survey No.85/1; Acs.5.18 guntas in Survey No.85/2; and Acs.10.20 guntas in Survey No.86; and Acs.2.3 guntas in Survey No.86/A, which are the subject matter of these four Writ Petitions.

9. Their case is that on the death of their grand-father, their father Chinna Anja Goud succeeded to the lands, and then cultivated the same personally till he died on 28.02.2000.

10. It is their case that the unofficial respondents in the respective Writ Petitions made application before the Inams Tribunal-cum-Revenue Divisional Officer, Chevella Division for grant of Occupancy Right Certificate (for short, 'ORC') under the Act; and on the basis of the said application, the Inams Tribunal (the Revenue Divisional Officer, Chevella), without notice to petitioners, granted ORCs viz., :

(a) on 19.08.1987 vide Proceedings Case No.L/1082/1987 in favour of 4th respondent in W.P.No.3329 of 2008 in respect of Acs.6.17 guntas in Survey No.50;

(b) on 19.08.1987 vide Proceedings No.L/1080/87 in favour of 4th respondent in W.P.No.3362 of 2008 in respect of Acs.2.09 ½ guntas situate in Survey No.85/1;

(c) on 14.10.1991 vide Proceedings No.L/1466/91 in favour of respondent nos.6 to 12 in W.P.No.19062 of 2009 in respect of Acs.5.18 guntas in Survey No.85/2 and Acs.10.20 guntas in Survey No.86; and

(d) on 05.07.1998 vide Proceedings No.L/4540/97 in favour of respondent nos.6 to 9 in W.P.No.19069 of 2009 in respect of Acs.2.03 guntas in Survey No./86/A.

11. According to petitioners, issuance of ORC certificates to the above respondents in the four Writ Petitions without notice to petitioners, who are the legal representatives of the protected tenant, Kalal Eada Goud, is violation of principles of natural justice.

12. They filed Appeals under Section 24 of the Act in the year 2007 challenging the grant of ORC certificates to the respective respondents in the Writ Petitions.

13. These Appeals were dismissed by the Joint Collector, Ranga Reddy District, vide Case Nos.F1/3997/2007 dt.30.07.2009, F1/3998/2007 dt.30.07.2009, F1/1987/2007 dt.19.05.2007, and F1/2375/2007 dt.15.12.2007.

14. In these orders, dismissing the appeals filed by petitioners, the Joint Collector, Ranga Reddy District held that the appeals ought to have been filed within (30) days from the date of the decision of the Revenue Divisional Officer, Chevella Division granting ORC certificates to the various respondents referred to above, but they have been filed with abnormal delay which is not liable to be condoned; that the plea of petitioners that they had no knowledge, cannot be accepted, since time begins to run from when the petitioners had the earliest means of obtaining the knowledge. He held that the appeals were time-barred and cannot be entertained because of the long delay in filing the same.

15. The Joint Collector also mentioned in the common order passed on 30.07.1991 in case No.F1/3997/2007 that one Late Sri Venkataranga Rao was the landlord for the land in Survey Nos.85/2 and 86; that the grand-father of petitioners was protected tenant under the said landlord; that after the death of petitioners' grandfather, the petitioners' father Chinna Anja Goud was the protected tenant; that though the petitioners stated that due to fear of respondents they left the village, they knew about the land in question and they should have made a claim for grant of ORCs long back, but they did not assert their right.

16. Assailing these proceedings, the present Writ Petitions have been filed by petitioners essentially contending that their grand-father Kalal Eada Goud was the protected tenant of the land; that on his death, the petitioners' father Chinna Anja Goud succeeded to the said interest in the land till he died on 28.02.2000; and on his death, they became the protected tenants of the lands. They contend that since ORC was given to the private respondents without notice to them, there is violation of principles of natural justice and they ought to have been given notice before the respective private respondents, who were given ORCs by the Revenue Divisional Officer, Chevella.

17. On the other hand, the private respondents contend that after obtaining ORCs they even alienated to other respondents and that there is no illegality in the orders passed by the Joint Collector and the Revenue Divisional Officer, Chevella. They contend that the

petitioners filed application under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 seeking delivery of possession from the respondents in respect of extent of Acs.11.38 guntas in Survey No.86 of Kesaram Village; that it was dismissed on 14.08.2007; the application was made 48 years after the petitioners had been dispossessed from the land, and is therefore, not maintainable.

18. They further contend that though petitioners' grandfather Kalal Eada Goud was a tenant in respect of the land and his possession was recorded in 1958-59, he thereafter leased it out to third parties; that originally the inamdar Venkataranga Rao initiated proceedings for his eviction on the said ground; that pending such proceedings he died and petitioners' father Chinna Anja Goud was impleaded as a party therein; and on 10.07.1967 in Proceedings No.A3/1137/AA, the Tahsildar, Chevella directed eviction of petitioners' father.

They contended that this was questioned by petitioners' father before the Joint Collector, Hyderabad District in Case No.E4/13822/68, but it was dismissed for default on 18.03.1070 ; that petitioners' father assailed the same in CRP.No.909 of 1970 before this Court under Article 227 of the Constitution of India; and the said Revision was also dismissed on 26.11.1971.

According to respondents, these orders became final and petitioners' father and original Inamdar compromised in respect of some other

lands and a sale deed dt.22.11.1982 was executed alienating Acs.6.17 guntas in Survey No.50, Acs.2.21 guntas in Survey No.199, Acs.1.00 guntas in Survey No.85/2 and Acs.2.09 guntas in Survey No.85/1 in favour of Chinna Anja Goud.

They contend that when enquiry was taken up before the Revenue Divisional Officer, Chevella for grant of ORC certificate, notice was issued to all parties including the father of petitioners, but petitioners' father did not participate in the proceedings after receiving notice and suppressing these facts, on the pretext that they obtained a succession certificate in O.S.No.296 of 2006 from the Junior Civil Judge, Chevella on 21.02.2006, the petitioners have filed appeals before the Joint Collector with much delay and they were rightly dismissed.

19. The petitioners / parties-in-person however contended that the petitioners' grandfather was never evicted from the land and the proceedings dt.10.07.1967 of the Tahsildar, Chevella, the order of the Joint Collector dt.18.03.1970 and the order in CRP.No.909 of 1970 are all bogus and fabricated.

20. This Court then summoned from the High Court records the order dt.26.11.1971 in CRP.No.909 of 1970 confirming the order of the Joint Collector, dt.18.03.1970 in proceedings No.E4/13822/68 dismissing the appeal filed by petitioners' father Chinna Anja Goud against the order of eviction passed under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950

initiated against him by the Inamdar Venkataranga Rao. The original order passed by the High Court in the said CRP was confronted to the parties in person/petitioners. The petitioners had no answer to the same.

21. Once the petitioners' father Chinna Anja Goud was evicted pursuant to an order passed under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, and the said order was confirmed in Appeal by the Joint Collector, Hyderabad and in CRP.No.909 of 1970 by this Court on 26.11.1971, the petitioners' father ceased to be a protected tenant of the lands.

22. If the petitioners' father is not a protected tenant, the petitioners, who succeeded him, cannot be protected tenants and claim ORC on the said basis.

23. The contention of petitioners that their father did not inform them about the orders passed under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 cannot be countenanced, since admittedly he was residing with them. The petitioners are equally bound by the said orders whether they are aware of them or not. If the petitioners are not protected tenants, the very basis for claim of ORC certificates is without any merit.

24. Therefore, not only on the ground that their appeals challenging the grant of ORC certificates to the private respondents are hopelessly belated in point of time, but also on the ground that

they are not protected tenants since their father was evicted by the Inamdar even by 1970, they are not entitled to any relief in these Writ Petitions.

25. Accordingly, the Writ Petitions are dismissed. No order as to costs.

26. As a sequel, miscellaneous petitions pending if any, in these Writ Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-03-2017

Ndr/*

