

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8030 OF 2017

ORDER

This writ petition is filed challenging the proceedings dated 29.09.2016 issued by the 2nd respondent wherein the 2nd respondent dismissed the appeal filed by the petitioners under Section 90 of the A.P.(T.A) Tenancy & Agricultural Lands Act, 1950 (for short 'the Act') confirming the orders dated 28.11.2015 passed by the 3rd respondent in respect of the land in Sy.No.371, admeasuring Ac.15-25 guntas, situated at Shamshabad Village and Mandal, Ranga Reddy District.

Learned counsel for the petitioner submits that though the petitioners sold the subject lands by way of registered sale deeds in the year 1981, the petitioner was minor at the time of sale and the said sale was within 8 years from the date of grant of sale certificate, as such the same is null and void and therefore, the land has to be restored to the petitioner, who is the legal heir of protected tenant. He also submits that since the petitioner was minor at the time of sale, the sale is not binding on him.

Learned Assistant Government Pleader for Revenue submits that the petitioner is making stale claim, after long lapse of time and after several sale transactions took place.

The 3rd respondent-Special Deputy Collector-Revenue Divisional Officer in his proceedings dated 28.11.2015 it was observed as follows:

“The contention of the petitioner that he was minor on the date of the above Regd. Sale deed i.e., 18-4-1981 and the said registered sale is void under Section 11 of the

Contract Act is not correct since it was mentioned in the sale deed that the age of the petitioner Sri K.Pochaiah on that date was (20) years. The petitioner, who executed the said registered sale deed bearing Doc.No.1794/1981 of the subject land as one of the co-vendors on 18.04.1981 is questioning the validity of the sale transaction after (27) years which is bad in law and barred by limitation. Since all the executants of the sale deed were majors as on the said date, the sale deed is not void under Section 11 of the Contract Act.”

When once the petitioner himself admitted that several transactions took place after sale made by him and both the Special Grade Deputy Collector-cum- Revenue Divisional Officer and Joint Collector found that it is a stale and belated claim made by the petitioner. These are all concurrent findings of fact arrived at by the authorities.

This Court cannot quash the said concurrent findings under *Certiorari* jurisdiction by interfering with the findings of fact assigned by the authorities as held by Hon’ble Apex Court in **Syed Yakoob v. K.S.Radhakrishnan & others**¹, wherein it is held as follows:

“A writ of certiorari is issued for correcting errors of jurisdiction committed by courts or tribunals, in cases where they exceed their jurisdiction or fail to exercise it or exercise it illegally or improperly, i.e., where an order is passed without hearing the party sought to be affected by it or where the procedure adopted is opposed to principles of natural justice.

The jurisdiction to issue a writ of certiorari is a supervisory one and in exercising it, the court is not entitled to act as a court of appeal. That necessarily means that the findings of fact arrived at by the inferior court or tribunal are binding.

An error of law apparent on the face of the record can, however, be corrected by a writ of certiorari, but not an error of fact however grave it may appear to be.

But a finding of fact cannot be challenged in such a proceeding on the ground that the relevant and material evidence was insufficient to sustain the finding. Adequacy or sufficiency of evidence or an inference of fact to be drawn from the evidence or finding of fact are entirely within the jurisdiction of the Tribunal.”

¹ 1964 AIR 477= 1964 SCR (5) 64

In view of above facts and circumstances, I do not see any merit in the writ petition and accordingly the same is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 08.03.2017
dv/kvs

