

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.500 OF 2011

ORDER:

This petition is filed under Section 91 of A.P. (T.A) Tenancy and Agricultural Lands Act, 1950 (for short 'Act'), challenging the order passed by the Joint Collector, Medak at Sangareddy dated 31.01.2011 in File No.F3/2272/2007-F3/60/Ten/2007 reversing the order passed by the Primary Authority i.e. Revenue Divisional Officer, Sangareddy dated 23.09.2006 in Case No.A3/1952/2004, mainly on the ground of non-compliance of Rule 4 of the A.P. (T.A) Tenancy and Agricultural Lands Rules, 1950 (for short 'Rules'), despite the directions issued by this Court in C.R.P.No.5204 of 2003 dated 05.07.2004.

During hearing, learned Senior Counsel for the petitioners Sri Vedula Venkataramana while raising several other contentions, drawn attention of this Court Rule 4 of the Rules referred supra and the operative portion of the order in C.R.P.No.5204 of 2003. On the strength of the directions issued by this Court, the learned Senior Counsel contended that both the Primary and Appellate Authorities failed to follow Rule 4 of the Rules referred supra and thereby the order is vitiated.

Learned counsel for the respondents Sri P.Venkat Reddy fairly conceded about non-compliance of Rule 4 by both the Primary and Appellate Authorities.

C.R.P.No.5204 of 2003 was filed by the father of the petitioners to set-aside the order dated 30.09.2003 passed by the

Joint Collector, Medak and this Court while directing to maintain status quo issued a direction to the Primary Authority i.e. Revenue Divisional officer to take into account the factors stipulated under Section 38-E of the Act and Rules framed therein before conferment of ownership rights on the petitioner,.

On remand, the Primary Authority passed an order without considering the other aspects, such as land situated at Nizamabad to calculate the standard holding of the family. Aggrieved by the said order, an appeal was preferred where the order passed by the Primary Authority was reversed fixing standard holding, which includes the holding of his brother. Both Primary Authority and the Appellate Authority did not follow Rule 4, by issuing notice to the land holders and tenants, calling for objections thereto, fixing the date for hearing of such objections.

Hence, the order passed by both the Primary and Appellate Authorities are totally in contravention of Rule 4, which is mandatory. On this ground alone, the order is liable to be set-aside. Since the order passed by both the authorities is against the principles of natural justice while determining the standard holding in terms of directions issued by this Court in C.R.P.No.5204 of 2003, consequently the orders passed by both Primary and Appellate Authorities are set-aside.

Hence, both the Primary and Appellate Authorities are directed to afford reasonable opportunity and call for objections, if any, as stipulated under Rule 4 (2) of the Rules and fix date of hearing and after affording reasonable opportunity, the authorities are directed to pass appropriate orders in accordance with law.

In the meanwhile, both the parties are directed to maintain status quo as on today.

With the above direction, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:27.06.2017

SP

