

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.4943 OF 2007

Dated:28.12.2017

Between:

State of Andhra Pradesh,
Represented by Authorised Officer,
Land Reforms, Kainada.

.. Petitioners

And

Korupu Sambhayya Dora

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**CIVIL REVISION PETITION No.4943 OF 2007****ORDER:**

Korupu Ramachandra Rao is declarant in L.C.C.No.1042/RJY/75. Korupu Sambhayya Dora is declarant in L.C.C.No.1018/RJY/75. Land Reforms Tribunal declared that Korupu Sambhayya Dora is holding land in excess of standard holding to an extent of 0.0630. Land Reforms Tribunal also declared Ramachandra Rao holding excess land to an extent of 0.3658. The findings of the Land Reforms Tribunal were challenged by Sambhayya Dora and Ramachandra Rao in LRA.Nos.19 and 20 of 1989 respectively.

2. On behalf of Sambhayya Dora, it was contended that while determining the extent of land in possession of Sambhayya Dora, the primary Tribunal wrongly recorded the extent of land in S.No.190 as Acres 4.60 cents and S.No.146/2 to an extent of Acres 7.00 cents of Raghavapuram, though the said lands were not declared by the declarant and they do not find place in verification report or in any previous orders. On examination of the material on record, the Appellate Tribunal held that these two extents were wrongly reflected as belonging to the declarant and directed to be excluded.

3. With reference to the claim of Ramachandra Rao, Appellate Tribunal having taken note of the contention of

Sambhayya Dora and accepting the said contention, held that Sambhayya Dora is found to be deficient of the extent of land he can hold and therefore, the excess land declared by Ramachandra Rao can be adjusted towards the deficiency in the holding of Sambhayya Dora and after such adjustment, Ramachandra Rao is found to be in excess of standard holding only to an extent of 0.3658. The appeals were accordingly allowed and the lower Tribunal was directed to take further action, without any necessity of redetermination of their holding, by treating the excess holding by Ramachandra Rao as 0.0266.

4. Aggrieved by the order of Land Reforms Appellate Tribunal in L.R.A.No.20 of 1989, State preferred Civil Revision Petition No.6316 of 2005. This Court has thoroughly analysed the respective contentions including the contention of the extent of land held by Sambhayya Dora, the finding of Appellate Tribunal holding that Sambhayya Dora is having deficiency in holding and that the finding of Appellate Tribunal that only small extent of land is found to be in excess of standard holding Sri Ramachandra Rao is entitled, upheld the decision of the Land Reforms Appellate Tribunal and dismissed the civil revision petition. It is also appropriate to note that before this Court it was contended that Sri Ramachandra Rao was having agricultural land of 2.79 acres in S.No.396/1, having irrigation facilities and can yield two crops and therefore, it can be classified as double crop

wet land, whereas, the lower appellate tribunal treated it as single crop wet land and therefore, to that extent the finding of the lower appellate tribunal is not valid and Sri Ramachandra Rao is exceeding the standard holding more than what was determined by the Appellate Tribunal. The said contention is not found favour with this Court and the Court affirmed the finding of the lower Appellate Tribunal in all respects.

5. Though the issue in this revision is with reference to the extent of land belonging to Sambhayya Dora, it is a common order passed by the Appellate Tribunal concerning both the declarants and issue is inter related. The appellate tribunal having found that there was wrong computation of land as belonging to Sambhayya Dora, declared that Sambhayya Dora is not having excess land but in fact is deficient of standard holding. On such declaration, the extent of holding by Ramachandra Rao was also determined and the Appellate Tribunal declared that Ramachandra Rao was having excess land only to an extent of 0.0266. The view taken by the Appellate Tribunal on the standard holding of Ramachandra Rao is upheld by this Court.

6. Except for contending that the decision of the Appellate Tribunal in excluding the extent of land in S.Nos.146/2 and 190 of Raghavapuram as erroneous, no material is placed on record to dislodge the said finding. Said finding of fact is arrived by the lower Appellate Tribunal on thorough

examination of the material placed before the tribunal. Further, as noted above, this finding of the appellate tribunal has a bearing on the finding in connected LRA No.20 of 1989 against which CRP.No.6316 of 2005 was preferred and the same was dismissed. The standard holdings of Ramachandra Rao and Sambhayya Dora are interdependent. In C.R.P.No.6316 of 2005, this Court upheld the decision of Land Reforms Appellate Tribunal in adjusting excess land declared by Ramachandra Rao in the holding of Sambhayya Dora. Any contrary view may have a bearing on the decision of Land Reforms Appellate Tribunal in LRTA No.20 of 1985, which decision has become final.

7. Thus, I see no merit in the contention of the learned Assistant Government Pleader to hold that the decision of Land Reforms Appellate Tribunal was erroneous. Hence, there is no merit in the revision preferred by the State. Accordingly, this revision is dismissed.

8. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as consequence. No order as to costs.

28.12.2017
SS

P.NAVEEN RAO, J