

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 1206 of 2012

ORDER:

Heard Sri Vedula Venkata Ramana, learned Senior Counsel appearing for the petitioner and learned Government Pleader for Revenue for respondents Nos. 1 to 3. In spite of publication in the newspaper, none appeared for respondent Nos.4 and 5.

The facts in the present case are not disputed. One Talari Venkaiah was the original Inamdar in respect of the land to an extent of Ac.1.13 guntas in Survey No.76/1 and Ac.0.08 guntas in Survey No.76/2 of Kyasaram Village, Chevella Mandal, Ranga Reddy District. His name was mutated in the revenue records as Inamdar and occupant. The sons of said Venkaiah, Janjaiah and Yellaiah, along with their cousin Galaiah S/o.Butchaiah sold an extent of Ac.1.13 guntas to one Ramesh under a registered sale deed, dated 08.12.1982. The said Ramesh appears to have applied for Occupancy Rights Certificate (O.R.C.) in respect of the said land and the same was granted to him. On the basis of the O.R.C. obtained by him, the said Ramesh sold the land to one K.Gopal Reddy under a registered sale deed, dated 24.01.1994. The said Gopal Reddy, in turn, sold the land to the petitioner herein on 03.09.2003. In the meanwhile, when the O.R.C. granted in favour of Ramesh was challenged by one T.Narsimloo, grand son of Venkaiah, respondent No.1-Joint Collector, Ranga

Reddy District, *vide* proceedings No.B3/9648/94, dated 01.08.1995 set aside the proceedings, dated 26.04.1993, issued by respondent No.2- Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, Ranga Reddy District granting O.R.C. in favour of Ramesh in respect of total extent of Ac.1.21 guntas in Survey Nos.76/1 and 76/2 and remanded the matter for fresh enquiry. Thereupon, Respondent No.2 after hearing the said T.Narsimloo and Ramesh passed an order on 13.02.2006 granting O.R.C. in favour of T.Narsimloo as a successor to the original Inamdar. He did not discuss with regard to the subsequent sales and whether the subsequent purchasers from the original Inamdar come under the definition of 'Inamdar' or not. However, since the petitioner purchased the property of an extent of Ac.1.13 guntas under a registered sale deed, he preferred an appeal before respondent No.1.

Respondent No.1 though framed two points, namely (i) whether the vendor/alienor/transferor had a valid Occupancy Rights Certificate (i.e. whether a regrant was made in his favour) at the time of alienation? and (ii) whether the alienee has acquired the property from the alienor/transferor by way of a valid transfer in accordance with law?, did not consider the same in proper perspective, but went by the order, dated 13.02.2006, passed by respondent No.2 and held that the sale transaction took place under document No.2728 on 08.12.1982, between Talari Jangaiah and others and Ramesh, and since the person who was in possession of the land as on 01.11.1973 was entitled

to O.R.C, the grant of O.R.C. in favour of T.Narsimloo was held to be valid. But, he overlooked the definition of 'Inamdar' contained in Section 2 (d) of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act') and recorded a finding whether the O.R.C. granted in favour of Ramesh as a successor in interest of the original Inamdar was valid or not. If the successor in interest, Ramesh, had valid O.R.C., the claim of T.Narsimloo who also claims to be a successor of the original Inamdar, cannot be considered. Since this point was not considered, this Court thinks it fit to remand the matter to respondent No.1 for consideration of the case in the light of the definition of 'Inamdar' contained in Section 2(d) of the Act along with the other provisions of the Act.

The writ petition is accordingly allowed, impugned order is set aside, and the matter is remanded to respondent No.1 for consideration of the case afresh, in accordance with law in the light of the observations made above.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Dt:24.07.2017

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