

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16287 OF 2009

ORDER:

Heard learned counsel for petitioners. None appeared for first respondent and no counter affidavit is filed in spite of giving an opportunity on 13.06.2017.

The first petitioner's husband filed a declaration on 11.04.1975 in respect of lands possessed by him in the villages in and around Adoni Town, Kurnool District. On consideration of such declaration, the first respondent, after conducting enquiry passed orders on 22.12.1976 holding that first petitioner's husband was possessing land in excess of ceiling limit equivalent to 6.9549 standard holdings and directed him to surrender the excess land. Against the said order, the first petitioner's husband filed an Appeal before the second respondent in L.R.A.No.1008 of 1977. The second respondent came to the conclusion that the excess holding possessed by the husband of the first petitioner was only 3.7817 standard holdings and accordingly allowed the Appeal partly, but dismissed the delay condonation application filed by the husband of the first petitioner. In those circumstances, he filed a revision before this Court in C.R.P.No.2048 of 1980. This Court, by order, dated 23.09.1981 allowed the said C.R.P., and also allowed the petition to receive the documents filed as additional evidence and mark them as Exs.A.37 to A.49. This Court, by the said order, remanded the matter to the Appellate Tribunal to dispose of the Appeal afresh in the light of the observations made in the said order.

It is the case of the petitioners that after remand, no notice was issued to them and no order was served on them. The first respondent issued a letter on 27.06.2009 to the Tahsildar, Kowthalam to inspect the

lands mentioned therein and send inspection report in order to take possession of the lands required to be surrendered.

In view of the above facts, the short point involved for consideration in the present writ petition is with regard to the order passed by the Appellate Tribunal after disposal of the C.R.P., by this Court on 23.09.1981. In view of non-filing of the counter affidavit by the first respondent, this Court is not in a position to decide whether any order was passed by the second respondent or not.

A perusal of the impugned order shows that it is a communication made by the first respondent to the Tahsildar, Kowthalam to inspect the lands and send inspection report. The petitioners are not aggrieved by such an order. If the Appellate Tribunal has not passed any order, no land of the petitioners can be taken possession from them. If the Appellate Tribunal has already passed an order, it is the duty of the first respondent to communicate the same to the petitioners before taking possession of the land.

In the circumstances, the writ petition is disposed of, subject to above observations. Consequently, Miscellaneous Petitions, pending if any, shall also stand closed.

A.RAMALINGESWARA RAO, J

18.07.2017
pln