

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 11174 of 2008

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

Petitioner Nos.1 to 3 are brothers (hereinafter referred to as "the petitioners"). They state that they purchased land admeasuring Acs.2.39 guntas, Ac.0.19 guntas, Ac.1.11 guntas, Ac.1.26 guntas, Ac.1.29 guntas, Ac.1.01 gunta and Acs.2.07 guntas in Survey Nos.1, 3, 18, 19, 21, 22 and 23 respectively situated at Chowderguda Village, Shamshabad Mandal, Ranga Reddy District from the original owner Smt.V.Sumithra Devi W/o.Venkat Reddy under a registered sale deed, dated 06.01.1994. Sumithra Devi purchased the said property along with others from one Radha Laxmi Bai W/o.Jagpal Rao. The petitioners further state that their vendor obtained a validation certificate under Section 50-B of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 *vide* proceedings, dated nil.07.1975 and it was incorporated in Faisal Patti. They also state that after purchase, they continued to be in possession of the land and cultivating jointly. The names of the petitioners were included in the revenue records by proceedings, dated 31.01.1994, and pattadar pass books and title deeds were also issued in their favour.

The petitioners further state that the original owner Radha Laxmi Bai has vast extent of property and she filed a declaration before the Land Reforms Tribunal in file No.CH/2531/1975 showing her land and the land sold prior to enforcement of the Urban Land (Ceiling and Regulation) Act in favour of the vendor of the petitioners. When the possession of the land of the vendor of the petitioners was tried to be taken, she filed LRA No.34 of 1994 before the Land Reforms Appellate Tribunal against the respondents and obtained interim stay of taking over of possession, on 26.04.1994 and thereafter, the said LRA was allowed by the Appellate Tribunal in her favour. The Appellate Tribunal directed the Land Reforms Tribunal to conduct fresh enquiry and pass orders by deleting the name of the vendor of the petitioners from the holding of the declarant. The Land Reforms Tribunal appears to have passed an order on 26.09.1995 by deleting an extent of Acs.16.24 guntas of land sold in favour of the petitioners from the holding of the declarant. Pursuant thereto, the Mandal Revenue Officer, Shahshabad Mandal, issued proceedings, dated 31.01.1996, implementing the order, dated 26.09.1995, in the revenue records. In the said order, it was stated that an extent of Acs.11.12 guntas of land in Survey Nos.1, 3, 18, 19, 21, 22 and 23 was sold in favour of the petitioners. When again an order was passed including the said

land in the holding of the declarant, the present writ petition was filed.

Respondent No.2 filed a counter-affidavit admitting the above facts, but stated that pursuant to the orders passed by the Land Reforms Tribunal-II, Ranga Reddy District on 19.11.1993 in respect of the land situated in Ammapally Village, Kacharam Village, Shamshabad Mandal, the Revenue Divisional Officer, Chevella issued Form-IX on 26.11.1993 and requested the Mandal Revenue Officer to take possession of the surplus land covered by the order, dated 19.11.1993. The Mandal Revenue Inspector, Shamshabad Mandal has taken over possession of the land in Form-X on 08.12.1993 including the land involved in the present writ petition. However, one Smt.R.Vidyullatha Devi W/o. R.Damodhar Reddy claimed share from the land held by the original declarant and filed LRA No.9 of 2002 before the Land Reforms Appellate Tribunal and the same was allowed directing the primary Tribunal to dispose of CC Nos.CH/2531/1975, CH/2596/1975 and CH/2797/1975 filed by the original declarant as per the directions of this Court in CRP No.3237 of 1985, dated 02.04.1987. In pursuance of the said order, the Revenue Divisional Officer, Chevella passed orders on 16.06.2007 confirming the two declarants, namely Sri R.Vijay Kumar and Sri R.Vinod Kumar, as surplus holders to an extent of 13.6377 Standard Holdings, and Sri R.Damodhar Reddy, husband of

Smt.R.Vidyullatha Devi, as surplus holder to an extent of 7.9389 Standard Holdings, and accordingly, they were asked to surrender their surplus land. Accordingly, the said two brothers have surrendered the lands in Ammapally and other villages including the land involved in the present writ petition. The Revenue Divisional Officer, Chevella issued Form-VIII on 07.01.2008 and published on 12.02.2008. The Land Reforms Tribunal accepted the surrender of the land under Section 10 (4) of the Andhra Pradesh Land Reforms (Ceiling On Agricultural Holdings) Act, 1973 towards surplus land to an extent of Acs.545.95 guntas equivalent to 10.4341 Standard Holdings *vide* orders, dated 19.02.2008. Accordingly, Form IX was issued on 19.02.2008 and the possession of the land was taken on 09.05.2008.

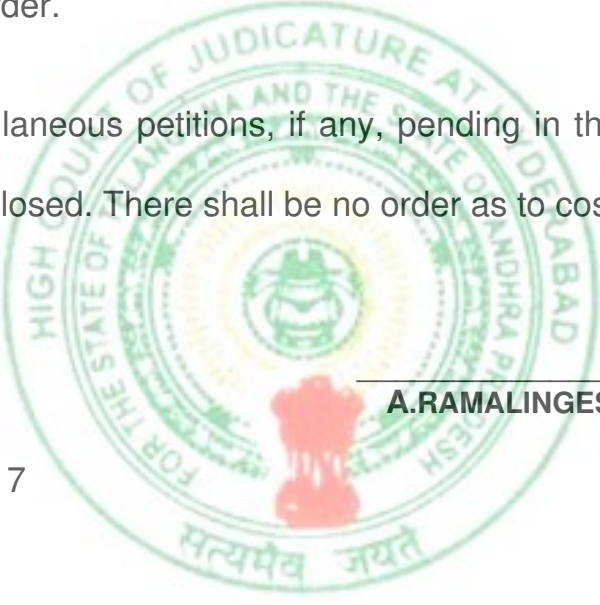
Thus, the facts of the present case are not disputed. An extent of Acs.16.24 guntas of land in various survey numbers of Chowderguda Village was purchased by Smt.Sumithra Devi under a registered sale deed from one Smt.Radha Laxmi Bai. Her name was mutated in the revenue records in the year 1975-76. She, in turn, sold an extent of Acs.11.12 guntas in Survey Nos. 1, 3, 18, 19, 21, 22 and 23 under a registered sale deed, dated 06.01.1994, to the petitioners. Thus, the petitioners continued to be in possession of the land. The purchase of land by Smt.Sumithra Devi was recognised by the Land Reforms

Tribunal and the said extent was deleted from the holdings of Smt.Radha Laxmi Bai.

In the circumstances, the respondents shall not interfere with the possession of the petitioners over the land admeasuring Acs.11.12 guntas in Survey Nos. 1, 3, 18, 19, 21, 22 and 23 of Chowderguda Village, Shamshabad Mandal, Ranga Reddy District.

The writ petition is accordingly allowed setting aside the impugned order.

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:11.07.2017
kdl

