

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.1964 of 2017

ORDER

This civil revision petition, under Section 91 of A.P. (T.A) Tenancy and Agricultural Land Act, 1950, (hereinafter, 'the Act'), by the unsuccessful appellants is directed against the orders, dated 30.04.2016, of the learned Joint Collector, Mahaboobnagar, passed in Appeal No.F1/ IA-04/ 2015 [File No.F1/ 1130/ 2015].

2. I have heard the submissions of *Sri M.V.Pratap Kumar*, learned counsel appearing for the revision petitioners-appellants, and of *Sri M. Vidyasagar*, learned counsel for the 1st respondent. Respondents 2 to 5, who are the other appellants before the Joint Collector, are stated to be not necessary parties.

3. The parties shall hereinafter be referred to as they are arraigned before the Joint Collector, for convenience and clarity.

4. The facts in a nutshell are as follows:

The 1st respondent filed a petition, on 06.09.1985, before the Mandal Revenue Officer, Bomraspet, for restoration of possession of the lands in Sy.Nos.18, 20, 26 and 27 situate at Earlapally village of Bomraspet Mandal for non payment of rentals by the protected tenants, that is, the appellants, for three consecutive years amounting to a sum of Rs.1,200/- . The Mandal Revenue Officer, having taken into consideration the fact that one Narsireddy was the protected tenant on payment of Rs.400-00 per month to the land holder and that later the subject lands were inherited by the 1st respondent herein, passed orders, dated 02.01.1986, terminating the rights of protected tenants over the lands and ordered restoration of possession of the tenancy lands to the 1st respondent herein for non payment of rentals for three consecutive years. Aggrieved thereof, the appellants preferred the appeal before the Joint Collector, *inter alia*, urging that no notices were served upon

them and that the orders of the MRO impugned in the appeal are unsustainable. That appeal was dismissed for default vide order dated 08.07.1991 by the then Joint Collector, Mahabubnagar. After lapse of 24 years the appellants filed a petition for readmission of the appeal with a request to dispose of the appeal on merits. Considering the said request, the appeal was readmitted and was posted for fresh hearing. The appeal was adjourned at the request of the counsel for the appellants for filing material papers. However, on failure of the appellants to file material papers and appear before the Joint Collector and for failure on the part of the appellants to produce relevant documentary evidence in support of the claim, the appeal was dismissed once again upholding the orders of the MRO, dated 02.01.1986. Aggrieved thereof, the appellants are before this Court, however with a petition for condonation of delay of 17 days in filing the revision petition. This Court condoned the said delay and entertained the CRP.

5. Learned counsel for the appellants would submit that the order of the Joint Collector is unsustainable as the said order was passed without giving an opportunity to the appellants to submit material papers in support of their case and that the appeal was disposed of on merits instead of disposing it of for default and/or non prosecution. He, therefore, prayed for setting aside the order of the Joint Collector impugned in this revision and requested to remit the appeal to the Joint Collector.

6. Learned counsel for the 1st respondent, in reply, would submit as follows:

Narsireddy was the original protected tenant over the subject land on payment of annual rent of Rs.400/- to the land holder. The 1st respondent inherited the subject lands being the successor in interest of the land holder. The protected tenant failed to pay annual rents for three consecutive years; and, therefore, she (1st respondent) filed a petition in September, 1985, before

the MRO, Bomraspet, for restoration of lands on the ground of non payment of annual rents for three consecutive years amounting to Rs.1,200/ -. The appellants herein refused to receive notice in the said proceeding. Therefore, notice was affixed on their house in the presence of witnesses on 20.09.1985. Further notice was issued to the appellants to appear in person, on 21.11.1985. The appellants refused to receive the said notice. That notice was also affixed on their house on 04.11.1985. All these facts are evident from the record of the Mandal Revenue Officer. Eventually, the order, dated 02.01.1986, was passed terminating the rights of protected tenants over the subject lands and restoration of possession was ordered to the respondent. The appellants appeal case No.B7/ 13/ 1987 preferred against the said orders of the MRO was dismissed for default, on 08.07.1991, as the appellants failed to prosecute the appeal. After lapse of 24 years, a petition was filed for readmission of the appeal. Despite such delay the appeal was readmitted for fresh hearing and was adjourned from time to time at the request of the counsel for the appellants. Finally, when a request was made to accord permission to file material papers, the appellants were directed to produce such papers before 27.02.2016. The appellants neither appeared nor produced the material papers. Thus, the appellants failed to establish their case. Hence, the appeal was dismissed confirming the orders of the Mandal Revenue Officer. Therefore, there is no merit in the revision.

7. From the facts that are borne out by record and that are narrated by the learned counsel for both the sides, it emerges that the appellants were throughout not diligent in prosecuting their appeal. In the first place, they allowed their appeal to be dismissed for default on 08.07.1991 and sought restoration of the said appeal after a long lapse of 24 years. Despite such delay, the appeal was readmitted for disposal on merits. Even then, the appellants went on seeking time and ultimately allowed the appeal to be dismissed on their failure to produce material documents within the time

granted to them. In view of the conduct of the appellants, this Court is of the considered view that the request of the appellants is not *bona fide* and does not merit consideration.

8. In the result, the Civil Revision is dismissed.

Pending miscellaneous petitions, if any, in this revision shall stand dismissed. There shall be no order as to costs.

M.Seetharama Murti, J

17.04.2017
Vjl

