

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1194 of 2018

ORDER:

This Civil Revision Petition is filed under Section 21 of the Andhra Pradesh Land Reforms Act (for short ' the Act') assailing the Orders dt. 11.07.2017 in L.R.A.No.6 of 2009 on the file of Land Reforms Appellate Tribunal-cum-II Additional District Judge, West Godavari, Eluru.

02. Heard argument of the learned counsel for the appellants and the learned Government Pleader for Arbitration.

03. A perusal of the record reveals that Boppana Rama Brahmayya filed declaration before competent authority under the Land Reforms Act. The Tribunal passed Orders directing the Declarant to surrender the excess land. During pendency of the matter, Sri Boppana Rama Brahmaiah, the original declarant died on 20.05.1999. Thereafter, his wife by name Boppana Kanakadurga is prosecuting the matters before the competent authority. The Revenue Divisional Officer, Gudiwada, issued a Notice dt.18.06.2009 in For No.8 under Section 7 (4) of the Act directing the said Kanakadurga to surrender the excess land. However, the said Kanakadurga died on 12.05.2009. Thereafter, the petitioners herein have preferred L.R.A.No.06 of 2009 on the file of Chairman, Land Reforms Appellate Tribunal-cum-II Additional District Judge, West Godavari, Eluru, alleging that no notice was served on them. The Tribunal while arriving at a conclusion that the said Kanakadurga died on 12.05.2009

dismissed the appeal. It is needless to say an option shall be given to the declarant or his legal representatives for surrender of the excess land of their own choice. If no opportunity was given to the declarant or his legal representatives, it may cause prejudice to them. In the instant case, Notice was issued in the name of dead person.

04. Learned Government Pleader in all fairness submitted that by mistake the Notice was issued in the name of dead person.

05. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that no notice was served in Form No.8 to the declarant or his legal representatives. Therefore, it is a fit case to allow the present Petition.

06. Accordingly, this Civil Revision Petition is allowed setting aside the Order dt. 11.07.2017 in L.R.A.No.6 of 2009 on the file of the Chairman, Land Reforms Appellate Tribunal-cum-II Additional District Judge, West Godavari, Eluru. Allowing of this Petition does not preclude the State Government to issue a fresh notice in form No.8 of the Act to the concerned persons before taking the land.

Miscellaneous petitions if any pending in this revision shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 30.8.2018
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DT.30.08.2018

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