

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.5284 of 2006

Order:

This Writ Petition is filed to declare the order passed by the Land Reforms Appellate Tribunal, Kurnool, in land Reforms Appeal No.321 of 1977, dated 27.11.1978, and the consequential notice issued by the 1st respondent – Revenue Divisional Officer-cum-Land Reforms Tribunal, Adoni, Kurnool District, dated 24.01.2006, as illegal and arbitrary.

The brief facts of the case, according to the petitioner, are that one late K. Narsi Reddy had two sons namely Pedda Basanna Gowd and Chinna Basanna Gowd; that Pedda Basanna Gowd died leaving behind him the 3rd respondent herein and one Narsi Reddy; that Chinna Basanna Gowd died leaving behind him his wife Neelamma, who is the mother of the petitioner herein; Narsi Reddy also died leaving behind him his wife Parvathamma; the legal heirs of late K. Narsi Reddy i.e., Basanna Gowd, Neelamma, Bheemi Reddy and Parvathamma filed separate declarations in C.C.Nos.3117/75, 88/75, 89/75 and 3116/75 on the file of the Land Reforms Tribunal, Adoni, as all of them constituted as separate family units; accordingly the holdings of Basanna Gowd, his son Bheemi Reddy and his daughter-in-law Smt. Parvathamma were computed separately as 1.0078, 1.0078 and 1.2000 standard holdings respectively; the entitlement of Basavanna Gowd and Bheemi Reddy was 1.000 standard holding each, whereas the mother of the petitioner Smt. Neelamma was computed separately as 3.0234 standard holdings and she was entitled for one standard holdings and she was directed to surrender 2.0234 standard holding; they were directed to surrender 0.0078 standard holdings each and Smt. Parvathamma was having 1.2000 standard holdings, hence she was not directed to surrender any land to the Government; the Tribunal,

after due enquiry passed a common order on 20.10.1977, holding that the family units of K. Basavanna Gowd and Bheemi Reddy are entitled to each one standard holding and the mother of the petitioner namely Neelamma is entitled to one standard holding and Parvathamma's family unit is entitled to hold 1.2000 standard holdings; as the standard holdings held by Basavanna Gowd, Bheemireddy and Neelamma are more than the ceiling area under Section 4 of the Act, the Tribunal directed them to surrender 0.0078 and 2.00234 in respect of petitioner's mother Neelamma; when the mother of the petitioner was about to surrender the excess land as per the orders of the land Reforms Tribunal, the 3rd respondent preferred an appeal without adding the petitioner's mother as party, who was a party in the Land Reforms Tribunal; the Land Reforms Appellate Tribunal erroneously passed an order on 27.11.1978 holding that the petitioner's mother Neelamma is not entitled for one unit, basing on the statement of the 3rd respondent; the petitioner's mother died in the year 1986; the petitioner got married and started residing at Bellary district; the petitioner came to know that the 1st respondent issued a public notice calling for objections with regard to surrender of joint family properties only in the 3rd week of February 2006; thereupon, the petitioner caused enquiries and came to know about the orders passed by the Land Reforms Appellate Tribunal. Hence the Writ Petition.

A counter affidavit has been filed by the 1st respondent – Revenue Divisional Officer and the 2nd respondent – Mandal Revenue Officer stating, *inter alia*, that the present writ petition is filed after lapse of 27 years from the date of passing the orders by the Land Reforms Appellate Tribunal and according to Section 21 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, any aggrieved party should file a Revision against the orders of the Land Reforms Appellate Tribunal within

a period of 90 days from the date of the order before the High Court; after enquiry, the Land Reforms Tribunal passed orders under Section 9 of the Act observing that all the declarants are having lands equivalent to 6.0468 standard holdings and making notional partition between the declarants; after allowing the eligible standard holdings, the Land Reforms Tribunal determined the excess land of the declarants; aggrieved by the orders of the Land Reforms Tribunal, the 3rd respondent filed an appeal before the Land Reforms Appellate Tribunal; the Land Reforms Appellate Tribunal issued orders dated 27.11.1978 observing that Basavanna Gowd, Bheemi Reddy and Parvathamma together to surrender an extent of land equivalent to 2.2962 standard holdings and that Neelamma the mother of the petitioner is not entitled to one unit; at the time of passing judgment by the Land Reforms Appellate Tribunal, Neelamma, the mother of the petitioner, was alive and she could not file revision before the High Court; the petitioner who is the daughter of said Neelamma filed the writ petition claiming one unit after lapse of 27 years; the orders under Section 10(3) of the Act were passed on 10.02.2006 approving the surrender of lands and the lands were taken possession by the Government on 15.02.2006; as the mother of the petitioner was alive at the time of disposal of the appeal by the Land Reforms Appellate Tribunal, she could have filed revision before the High Court and since she did not choose to file CRP before the High Court, the writ petition filed by her daughter after lapse of 27 years deserves no consideration.

As seen from the record, the Writ Petition is filed after lapse of 27 years from the date of disposal of the Land Reforms Appeal No.321 of 1977, dated 27.11.1978. Admittedly, the petitioner's mother was alive in the year 1978 at the time of disposal of the said appeal. Even according to the petitioner, her mother passed away in the year 1986. As per

Section 21 of the Act, against the orders of the Land Reforms Appellate Tribunal, a revision has to be filed before this Court and not a Writ Petition. Since the Writ Petition is filed challenging the order of the Land Reforms Appellate Tribunal after lapse of 27 years and since a revision has to be filed before this Court against the orders of the Land Reforms Appellate Tribunal under Section 21 of the Act, the Writ Petition is not maintainable and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to avail the alternative remedies available to her under law, if she is so advised. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Date: 10.08.2018
Nsr



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