

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.3491 OF 2012

ORDER:

Heard Sri K.V.Satyanarayana, the learned counsel for revision petitioner and the learned Assistant Government Pleader for respondents.

The issue arises under the A. P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The appellant in the Court below/2nd petitioner herein (since deceased) claims the status of a major and thus entitled for an independent unit in the ceiling declaration in LCC.No.1493/NSP/75. The revision petitioner filed I.A.No.01 of 2018 to place on record the original birth certificate dated 28.10.1999, mark the same as Ex.A-1, allow the revision and grant one unit in the capacity of 2nd petitioner as a major.

This Court directed production of record which has bearing on the survey now relied on by the revision petitioner. The record is produced. After perusing the record now produced and also the legal grounds urged by the learned counsel Sri K.V.Satyanarayana, this Court is of the view that for applying the legal principles, there ought to be fair consideration of facts in issue which go to the basic issue of entitlement of revision petitioners for one single unit. To afford opportunity to both parties, the order in LRA.No.01 of 2001 is set aside. The matter is remanded to the Appellate Tribunal for consideration and disposal in accordance with law.

I.A.No.01 of 2018 is allowed for the limited purpose of taking the said exhibit on record and the Registry is directed to send the

document filed along with I.A.No.01 of 2018 along with a copy of this order and also the other record received in this behalf. The respondents are given liberty to produce the originals before the Appellate Courts or file documents as may be permissible in law and contest the matter. All issues are left open for consideration by the Appellate Court.

Revision is, accordingly, allowed and the matter is remanded to the Appellate Tribunal as stated above. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

31st December, 2018
Lrkm



S.V.BHATT, J