

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.783 of 2019

ORDER :

This Revision is filed under Section 91 of the A.P. (Telangana Area) Tenancy and Agricultural Land Act, 1950 (for short 'the Act') assailing the order dt.14-02-2019 in Case No.F1/IA-05/2014 and No.F1/939/2014 of the Joint Collector, Mahabubnagar.

2. One Bade Nagaiah @ Peda Nagaiah and Boyapally Masi were the Protected Tenants of extents Ac.5.22 gts in Sy.No.292/2, Ac.3.22 gts in Sy.No.293, Ac.0.28 gts in Sy.No.294 and Ac.1.13 gts in Sy.No.296, totaling 11.05 gts in Yenugonda village. Both of them died prior to 1999.

3. The widow of Peda Nagaiah and 10 others gave an application under Section 19 of the Act to surrender their Protected Tenancy rights in favour of the pattedar.

4. After issuing notices under the said provision inviting objections, and looking into the Tenancy Register and taking note of the details of the L.Rs. of the deceased Protected Tenants, who had appeared and given statements, the said surrender was accepted by the Mandal Revenue Officer, Mahabubnagar proceedings No.B/3545/99 dt.19-05-1999.

5. In 2014, petitioners filed an appeal under Section 90 of the Act before the Joint Collector, Mahabubnagar contending that 1st petitioner is the daughter of the Protected Tenant Pedda Nagaiah and 2nd petitioner is her son, and they did not receive any notice when the order dt.19-05-1999 was passed by the Mandal Revenue Officer, Mahabubnagar in his proceedings No.B/3545/1999 and to set aside the same.

6. The Joint Collector, Mahabubnagar rejected the said appeal on the ground that petitioners did not produce any clinching evidence to substantiate that they are the legal heirs of the original Protected Tenant.

7. Learned counsel for the petitioners relied upon a Dependent Certificate allegedly issued on 10-05-2005 by the Mandal Revenue Officer, Mahabubnagar certifying that 1st petitioner is the married daughter of the Protected Tenant Pedda Nagaiah and is his dependent.

8. Admittedly, after the death of the original Protected Tenant Pedda Nagaiah, no application under Section 40 of the Act had been moved by the petitioners claiming to be his legal heirs. In the application made on 12-03-1999, Smt.Pedda Chinnamma, wife of the Protected Tenant Pedda Nagaiah gave a list of legal heirs of Pedda Nagaiah, but did not mention names of petitioners therein. If the 1st petitioner is really the natural daughter of the deceased Protected Tenant Pedda Nagaiah and his wife Pedda Chinnamma, her name

would not have been omitted from the list of legal heirs mentioned in the application by Pedda Chinnamma.

9. Also, after the surrender of Protected Tenancy rights in 1999, the pattedar would have been in possession of the land and if the 1st petitioner was really the daughter of the deceased Protected Tenant, she would know about the surrender and would have immediately challenged it.

10. The Dependency Certificate dt.10-05-2005 issued by the Mandal Revenue Officer, Mahabubnagar cannot be believed because assuming that she is the daughter of Pedda Nagaiah, admittedly the 1st petitioner is married and so she cannot be the dependent on her deceased father, and would be dependent, if at all, only on her husband.

11. In this view of the matter, I do not see any error of jurisdiction in the order passed by the Joint Collector, Mahabubnagar warranting interference by this Court under Section 91 of the Act.

12. Therefore, the Civil Revision Petition fails and it is dismissed at the stage of admission. No costs.

13. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-06-2019

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