

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.3848 of 2018

ORDER :

This Revision is filed under Section 28 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short, 'the Act') challenging the order dt.04.02.2017 in File No.MDL/F1/5623/2015 of the Joint Collector, Malkajgiri-Medchal District, passed under Section 24 of the said Act, confirming the order dt.19.02.1982 of the Revenue Divisional Officer, Hyderabad (East) Division in File No.H/206/1976.

2. One Thota Balakrishna Reddy, father of respondent nos.3 to 6 obtained from the Revenue Divisional Officer, Hyderabad (East) Division vide proceedings H/206/1976 dt.09.02.1982 Occupancy Right Certificate under the Act in respect of in respect of land in Survey No.53 of extent Acs.4.24 gts., Survey No.54 of extent Ac.0.13 gts., Survey No.55 of extent Ac.0.11 gts., and Survey No.56 of extent Acs.14.08 gts., totaling Acs.19.16 gts. at Jeedimetla village, Qutbullapur Mandal, Medchal District (for short 'the subject property') as well as Acs.3.37 gts. in Survey No.61 and Acs.7.32 gts. in Survey No.62 of Jeedimetla Village.

Petitioners' case in the appeal :

3. The petitioners herein challenged the above order granted in favour of Thota Balakrishna Reddy by filing appeal under Section 24 of the Act before the Joint Collector, Malkajgiri-Medchal Mandal.

4. Petitioners claim to be the legal heirs of one Mandala Yettaiah, S/o.Mandala Lachamaiah. According to the petitioners, Mandala Lachamaiah was a protected tenant of the above lands; he died on 18.01.1961; and after his death Mandala Yettaiah inherited the lands; and vide proceedings No.B/362/75 dt.20.03.1975, the Additional Revenue Divisional Officer, Land Revenue, Hyderabad (East) granted to Mandala Yettaiah, Certificate of Ownership under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

5. They contend that ownership of the Acs.19.16 gts. in the above Survey numbers.53 to 56 of Jeedimetla Village, Medchal Mandal was thus transferred to Mandala Yettaiah and since then they were in peaceful possession and enjoyment of the said lands by doing agriculture.

6. Petitioners contend that Thota Balakrishna Reddy owned land of Acs.9.36 gts. in Survey Nos.61 and 62 of Jeedimetla Village; Mandala Yettaiah died on 10.03.1981; petitioners approached the Tahsildar for mutation of land on their names, but the authorities dodged the matter on one pretext or the other; prior to 2015, they came to know that the names of respondent nos.3 to 6 were noted in the Revenue Records; petitioners filed WP.No.19611 of 2015 before this Court which was dismissed on 01.07.2015 directing the petitioners to avail remedy of appeal under Section 24 of the Act; and

so, they preferred the appeal before the Joint Collector, Malkajgiri-Medchal Mandal.

7. They alleged that Thota Balakrishna Reddy manipulated the Revenue Records behind the back of the petitioners and fraudulently obtained Occupancy Certificate under the Act vide proceedings H/206/76 dt.19.02.1982 without notice to petitioners and the Revenue Divisional Officer did not properly verify the records before passing the said order.

8. According to them, Thota Balakrishna Reddy claimed to have purchased the lands from Mandala Lachamaiah on 08.07.1957 under a simple unregistered sale deed, but since Mandala Lachamaiah was only a protected tenant over the land, he did not have any right to sell it under the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

9. They contended that if he wanted to sell the property, he can only surrender his protected tenancy rights to the land holder J. Venkateswara Rao and not to any third-party such as Thota Balakrishna Reddy, and the said sale is invalid in law.

10. According to them, no permission was taken from the Tahsildar under Section 47 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and for the said reason also, the said sale is not valid. They also contended that the said sale was not

validated under Section 50-B of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

11. They also contended that the Section 38-E Certificate of Ownership granted to Mandala Yettaiah vide proceedings B/362/75 dt.20.03.1975 was not challenged by Thota Balakrishna Reddy; and without canceling it, the Revenue Divisional Officer, Hyderabad (East) Division illegally issued the Occupancy Rights Certificate to Thota Balakrishna Reddy in File No.H/206/1976 dt.19.02.1982.

12. Alternatively, they also contended that Mandala Lachamaiah never sold the land to Thota Balakrishna Reddy in his lifetime and the alleged unregistered sale deed dt.08.07.1957 is fabricated with forged signatures and was never brought to light at any time before the grant of Section 38-E Ownership Certificate to Mandala Yettaiah.

13. According to them, Thota Balakrishna Reddy also claimed to have purchased on 05.07.1957 from the Inamdars J. Rama Rao and J.Venkateswara Rao the subject property but he did not get the sale deed validated under Section 50-B of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950. They therefore contended that neither the Inamdar nor protected tenant have any saleable interest in the land; that rights granted to protected tenants before 01.11.1973 under the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 were saved by Section 33 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955; and the

Revenue Divisional Officer had no authority to annul the same and issue Occupancy Rights Certificate to Thota Balakrishna Reddy.

The case of respondent nos.3 to 6 in the appeal:

14. The respondent nos.3 to 6 contended that the appeal under Section 24 of the Act was presented by the petitioners more than 33 years after the issuance of Occupancy Rights Certificate to Thota Balakrishna Reddy in File No.H/206/1976 dt.19.02.1982 and the appeal was therefore not maintainable.

15. They also contended that late Mandala Latchaimiah in 1954 voluntarily surrendered the protected tenancy rights in respect of the subject lands; thereafter, the original Inamdars/land holders J. Rama Rao and Venkateswara Rao sold the subject lands to Thota Balakrishna Reddy by a sale deed dt.05.07.1957 and his name was also mutated in the Revenue Records. It is also contended that Thota Balakrishna Reddy was in continuous and uninterrupted possession over the subject lands including on 01.11.1973, the relevant date for grant of occupancy rights under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955.

16. They contended that Mandala Yettaiah along with his father Late Lachamaiah and brother Late Yellaiah submitted affidavits confirming the sale, received consideration also, and stated that they have no objection for grant of occupancy rights in favour of Thota Balakrishna Reddy.

17. It is also contended that Mandala Yettaiah disclaimed all his rights and interests whatsoever in the subject lands and handed over the Section 38-E ownership certificate to Thota Balakrishna Reddy.

18. They thus contended that after surrendering the protected tenancy rights by their ancestors, petitioners cannot file any appeal against the order granting Occupancy Rights Certificate to Thota Balakrishna Reddy in 1982.

19. They contend that petitioners were not in possession of the subject lands on the appointed day, i.e., 01.11.1973, and so they were not entitled to grant of Occupancy Rights Certificate.

20. According to them, Section 33 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 has no application.

21. They further contended that half of the schedule land was transformed into houses, that the character of the land ceased to be non-agricultural land, and in the remaining Acs.8.00 gts. of land respondents were conducting agricultural operations and also developed a grape garden. According to them, there is also an old house in the Acs.8.00 gts. with a compound wall demonstrating the possession of Thota Balakrishna Reddy and his legal heirs.

22. Reference is also made to proceedings No.A/237/89 dt.31.01.1989 of the Mandal Revenue Officer, Qutbullapur Mandal wherein according to the respondent nos.3 to 6, legal heirs of Mandala Yettaiah's application under Section 19 of A.P. (Telangana Area)

Tenancy and Agricultural Lands Act, 1950 surrendering their protected tenancy rights over the subject lands of Acs.19.16 gts. in favour of Thota Balakrishna Reddy, was allowed, and the names of the protected tenants were ordered to be rounded up in the Protected Tenancy Register in respect of the subject land.

23. According to the respondents, this order of the Mandal Revenue Officer attained finality and so petitioners have no *locus standi* to file this appeal.

24. Reference is also made to a Sworn-Affidavit submitted by Mandala Yettaiah, Smt. M. Gowramma, W/o. Late M. Laximaiah dt. March, 1979 in File No.IC/206/M/75 before the Special Tahsildar (Inams) Hyderabad (East). According to respondent nos.3 to 6, Mandala Yettaiah stated in the affidavit that he had no claim in the subject lands, that he is handing over 38-E Certificate, that he shall not claim any relief under Section 38-E, and he had no objection for grant of Occupancy Rights Certificate in favour of Thota Balakrishna Reddy.

The order of the Joint Collector in the appeal:

25. Firstly, the Joint Collector held that there is a delay of (33) years in filing the appeal by the petitioners challenging the grant of Occupancy Rights Certificate on 19.02.1982 to Thota Balakrishna Reddy, but petitioners did not file any application for condonation of delay. He observed that under Section 24(1) of the Act, any person

aggrieved by a decision of the Collector under Section 10 may, within (30) days from the date of the decision or such further time as the prescribed authority may for sufficient cause allow, appeal to the prescribed authority and its decision shall be final; the period of (33) years is not a short period and lands would have changed hands several times and equities arise; that the lands have been put to non-agricultural use and the area has merged as a residential area; prices of the lands are very high; this created greed in the parties; but the appeal was admitted by his predecessor who had also heard the parties.

26. He held that though Section 38-E Ownership Certificate was issued on 20.03.1975 in favour of Mandala Yettaiah for the subject land, and name of Mandala Lachamaiah was recorded as protected tenant over the subject land, there was a Deed of Declaration on four *annas* stamp paper with Serial No.B-475373 in Urdu language with English translation filed by the respondents which revealed that Mandala Lachamaiah *in 1954* surrendered his Protected Tenancy Rights orally before the Tahsildar, Medchal; that he stated therein that he sold his Tenancy Rights for Rs.1000/- to Thota Balakrishna Reddy and thus withdrawn and relinquished his Protected Tenancy Rights on 05.07.1957 and also delivered possession and enjoyment of the said lands to Thota Balakrishna Reddy.

27. He also relied upon the order dt.31.01.1989 in proceedings No.A/237/89 of the Tahsildar, Qutbullapur Mandal wherein the children of Mandala Yettaiah allegedly surrendered under Section 19

of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, their Protected Tenancy Rights in respect of the subject lands with reference to the surrender of the Protected Tenancy Rights made by Mandala Yettaiah in 1954. He held that though the surrender of Protected Tenancy Rights occurred in 1954-55, but the name of the protected tenant was not deleted from the Protected Tenancy Register and had continued; and basing on such entries in the Protected Tenancy Register, the 38-E ownership certificate was granted on 20.03.1975 to Mandala Yettaiah by the Addl. Revenue Divisional Officer (Land Reforms), Hyderabad (East) Division.

28. It therefore held that the Section 38-E Ownership Certificate granted to Mandala Yettaiah was issued under misconception as if the name of the original protected tenant is continuing in the Protected Tenancy Register, whereas he has already surrendered his Protected Tenancy Rights in 1954 itself when oral surrender was permissible; that subsequently, legal representatives of Mandala Yettaiah and his brother Laxmaiah again surrendered their Protected Tenancy Rights before the Mandal Revenue Officer, Qutbullapur with reference to the surrender made by Mandala Lachamaiah in 1954.

29. Also, he observed that previous sanction of the Government was not obtained under sub-Section 2(2) of Section 38-E before issuing 38-E patta on 20.03.1975 to Mandala Yettaiah and so it has no legal sanctity.

30. He then held that Thota Balakrishna Reddy was in possession of the subject lands on 01.11.1973, the specified date for grant of Occupancy Rights Certificate under the Act; and therefore the Revenue Divisional Officer, Hyderabad (East) Division rightly granted him Occupancy Rights Certificate on 19.02.1982.

The consideration by the Court:

31. Heard Sri V. Balram, counsel for the petitioners, Sri V. Venkata Ramana, Senior Advocate for Sri V. Ramakrishna Reddy for 3rd respondent, and Sri N. Raghavan, Advocate for respondent nos.4 to 6.

32. From the facts narrated above, it is clear that the respondent nos.3 to 6 claimed that their father Thota Balakrishna Reddy obtained Occupancy Rights Certificate on 19.02.1982 from the Additional Revenue Divisional Officer (Land Reforms) Hyderabad (East) in respect of the subject property.

33. Admittedly, for these lands Mandala Lachamaiah was recorded as the protected tenant and J. Rama Rao and Venkateswara Rao are the land holders / inamdars.

34. It is the contention of the respondent nos.3 to 6 that there was an oral surrender of tenancy by Mandala Lachamaiah in 1954, but they do not mention any date of the alleged surrender.

35. On the basis of a Deed of Declaration on four *annas* stamp paper with serial no.B-475373 in Urdu said to have been given by

Mandala Lachamaiah (English translation of which was filed before the Joint Collector), the Joint Collector concluded that there was a surrender in 1954 orally by Mandala Lachamaiah before the Tahsildar, Medchal.

36. Sub-Section (1) of Section 19 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 states that tenancy of the land shall not be terminated before the expiration of the period for which the land is leased or deemed to be leased otherwise than *by the tenant by surrender of his rights to the land holder at least a month before the commencement of the year.*

37. It is important to note that *only prior to 04.02.1954 oral surrender was permitted* by A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

38. By Act III of 1954 published in the Gazette No.29 dt.04.02.1954, the 1st proviso to sub-Section (1) of Section 19 was amended and it said :

‘Provided that such surrender is made by the tenant in writing and is admitted by him before and is made in good faith to the satisfaction of the Tahsildar’

39. So from 4.2.1954, it is mandatory for a surrender to be in writing and it cannot be oral.

40. Therefore, it has to be established by the respondent nos. 3 to 6 that the *oral* surrender of tenancy rights by Mandala Lachamaiah took

place prior to 04.02.1954. There is no such material produced by the respondent nos. 3 to 6. Therefore, it has to be held that it was after 04.02.1954. If so, such alleged oral surrender of Protected Tenancy Rights by Mandala Lachamaiah has no effect in law because it is not in accordance with the procedure set out in the amended first proviso to Section 19(1) of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950. Consequently, Mandala Lachamaiah continued to be a protected tenant of the subject land.

41. Section 38 only permits a protected tenant to purchase the land from the land holder; and Section 38-B permits land holder to relinquish his rights in favour of protected tenant without receiving any consideration. But, the Act does not permit the protected tenant to sell his interest to a third party like Thota Balakrishna Reddy, who is not the landholder. So the reference to the sale dt.05.07.1957 in the above declaration for Rs.1,000/- in favour of Thota Balakrishna Reddy also cannot convey title to Thota Balakrishna Reddy, as he was not the land holder.

42. However respondent nos.3 to 6 contended that the original land holders J. Rama Rao and Venkateshwara Rao sold the subject land under a sale deed dt.05.07.1957 to Thota Balakrishna Reddy. This sale also cannot be valid for the following reasons.

43. Section 38-D of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 requires a notice to be given by the

land holder of his intention to sell the land held by the protected tenant first to the protected tenant and only when the protected tenant does not exercise this right, he can sell it to any other person. Thus the tenant has a right of pre-emption and the landholder cannot sell the land to a third party without offering to the protected tenant first.

44. This was declared in **Kotaiah v. Property Assn. of the Baptist Churches (P) Ltd.**¹ by the Supreme Court. It held that Section 38-D prohibits land holder from alienating to third-parties; and if the landholder intends to sell the land, he must give notice in writing of his intention to the protected tenant; that the first offer must be given to the protected tenant; and it is only when the protected tenant does not exercise the right to purchase, the landholder could sell the land to third parties. It declared that an alienation made in contravention of these provisions has no legal effect.

45. There is no evidence of compliance of Section 38-D by the land holders before executing sale deed dt.05.07.1957 to Thota Balakrishna Reddy. Therefore, the said sale by the land holders to Thota Balakrishna Reddy is hit by Section 38-D and is invalid in law.

46. Thus Mandala Lachamaiah continued to be the protected tenant and on his death his sons Mandala Yettaiah and Mandala Laxmaiah became protected tenants.

¹ (1989) 3 SCC 424

47. In **Smt. Kannamma vs. District Collector, Ranga Reddy**², a Division Bench of this Court held that although Section 3(1) by which the inams were abolished and vested in the State came into force on 20-7-1955, *the relationship with regard to the inam land between the inamdar and the kabiz-e-kadim, permanent tenant, protected tenant or non-protected tenant came to be extinguished only on 1-11-1973 by virtue of Section 3(2)(h).* The accrued rights in the inam ceased to have any effect only with effect from 1-11-1973 by virtue of Section 3(2)(h).

48. This was reiterated in **B. Naga Reddy and Ors. vs. Mattam Parvataiah and Ors.**³ by another Division Bench.

49. In **N. Sudarshan Reddy and others vs. Smt. Kannamma (Died) per L.Rs.**⁴, a Division Bench of this Court held that provisions of Sections 4 to 8 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 for registration of persons in possession of inam lands was unaffected by the date of vesting, and that Section 33 of the said Act specifically saved mutual rights and obligations of an inamdar and his tenants to the extent to which they were not inconsistent with the express provisions of the said Act. It declared that rights of tenants of the Inamdar continue even after 01.11.1973 by virtue of the saving provision contained in Section 33.

² 1990 (1) Andhra Weekly Reporter 722 (D.B.)

³ MANU/AP/0525/1995 (D.B.)

⁴ 1994 (1) Andhra Weekly Reporter 189 (D.B.) = AIR 1994 A.P. 116 (D.B.);

50. So, when there are protected tenants in respect of the subject land, even though Occupancy Rights are granted to Inamdars under the said Act, the rights of the protected tenants in the land are not obliterated. **(D.S.N. Raju and others v.Praga Tools Officers Co-operative Housing Society Ltd. and others⁵)**

51. Under sub-Section (2) of Section 38-E, an ownership certificate issued to a protected tenant is declared to be conclusive evidence of the protected tenant having become the owner of the land with effect from the date of the certificate as against the land holder and all other persons having any interest therein.

52. In the impugned order the Joint Collector made a reference to sub-Section 2(2) of Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and stated that it requires that when land held by a protected tenant happens to be an inam land, the tribunal shall not issue patta certificate unless previous sanction of the Government was obtained. In the statute book, in fact there is no sub-Section 2(2) in Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

53. Therefore, the grant of Section 38-E Ownership Certificate on 20.03.1975 in proceedings No.B/362/75 in favour of Mandala Yettaiah by Addl. Revenue Divisional Officer, Land Revenue, Hyderabad (East) cannot be found fault with by the Joint Collector,

⁵ Order dt.21.12.2012 in C.R.P.No.1086 of 2004 of the High Court of Andhra Pradesh.

particularly when there is no challenge to it at any point of time by Thota Balakrishna Reddy or respondent nos. 3 to 6.

54. The respondents have not chosen to file the pahani for 1973-74 in respect of the subject lands, though they filed pahanies for the earlier years, and no reason is assigned why they did not file it. The said pahani would show who was in possession of the land on 01.11.1973, the crucial date for determining entitlement to Occupancy Rights Certificate.

55. Under Section 7 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, protected tenants also are entitled to Occupancy Rights Certificate.

56. Under Section 4 of the said Act, an inamdar is also entitled to the same, *but not for lands in respect of which any person is entitled to be registered under Sections 5 to 8 of the Act.* Thus, in respect of land for which there is a protected tenant, even an inamdar is not entitled to an Occupancy Rights Certificate. Therefore, Thota Balakrishna Reddy, the purchaser from the inamdars is also *afortiori* not entitled to an Occupancy Rights Certificate.

57. Coming to the order dt.31.01.1989 of the Mandal Revenue Officer, Qutbullapur Mandal in proceedings No.A/237/89, in which he allegedly accepted surrender of protected tenancy rights by the children of Mandala Yettaiah in respect of the subject land, once the title to the land vested in Mandala Yettaiah on issuance of Section

38-E Ownership Certificate on 20.03.1975 in proceedings No.B/362/75 by Addl. Revenue Divisional Officer, Land Revenue, Hyderabad (East), the Mandal Revenue Officer had no jurisdiction to take up any action under the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 because the legal heirs of Mandala Yettaiah were no longer protected tenants and there cannot be any surrender by them of their non-existent protected tenancy rights.

58. Also, if there was already, according to respondent nos.3 to 6, a surrender of protected tenancy rights orally in 1954 by Mandala Lachamaiah, there cannot be a second surrender of the same again in 1989.

59. In my opinion, the said order dt.31.01.1989 of the Mandal Revenue Officer, Qutbullapur Mandal in proceedings No.A/237/89 appears to be a 'managed' order and is without jurisdiction and is null and void.

60. On the aspect of delay in approaching the Joint Collector, it is the case of petitioners that prior to the filing of the appeal they came to know that in all pahanies up to 1984-85, the name of Mandala Yettaiah was existing, but in the pahani for 1985-86, his name was struck off / rounded off without any order and the name of Thota Balakrishna Reddy was recorded and this continued subsequently also allegedly on the basis of order dt.19.02.1982 in File No.H/206/76 dt.19.02.1982 granting Occupancy Rights Certificate to Thota

Balakrishna Reddy. The pahanies for 1980-81 and 1984-85 filed by the petitioners show the name of Mandala Yettaiah but the pahani for 1985-86 shows that his name is rounded off and the name of Thota Balakrishna Reddy was inserted.

61. Petitioners categorically alleged that the said order was passed without any notice to the petitioners and the certificate was fraudulently granted to him by the Revenue Divisional Officer, Hyderabad (East).

62. It is not the case of respondent nos.3 to 6 that any notice was given to the petitioners at the time when the order H/206/1976 dt.19.02.1982 was passed by the Revenue Divisional Officer, Hyderabad (East) Division granting Occupancy Rights to Thota Balakrishna Reddy. It is also not their case that the said order was served on the petitioners.

63. Therefore, the limitation for challenging the said order would commence only from the date of knowledge of the order and not from the date of the said order.

64. In **Bipromasz Bipron Trading Sa v. Bharat Electronics Ltd.**⁶, the Supreme Court declared that an official order takes effect only when it is served on the person affected.

65. In **State of W.B. v. R.K.B.K. Ltd.**⁷, the Court declared that unless an adverse order is communicated, it does not come into effect

⁶ (2012) 6 SCC 384

and the person affected cannot be blamed for not preferring appeal within the specified time when it is not communicated to him. It held:

*“35. the words used in Para 10 are “date of the order”. In the scheme of the Control Order, the order comes into effect from the date of receipt by the agent or the dealer. Once that becomes the decision, the commencement of limitation of 30 days for the purpose of Para 10 would be the date when the order is effective. The High Court in **Rani Sati Kerosene Supply Co.** has opined that if the order of cancellation is not served on the affected person and the appeal period expires, there is the possibility that the adverse order would become unassailable. The reasoning is totally fallacious. An appeal can only be preferred when the order is effective. The ineffective order, that is to say, uncommunicated order cannot be challenged. Therefore, the reasoning given by the Court in earlier judgment is erroneous and hence, the reliance thereupon by the impugned order is faulty. There has to be a purposive construction of the words “from the date of order”. To place a construction that the date of an order would mean passing of the order, though not made effective would lead to an absurdity.”*

66. In view of this settled legal position, I hold that the appeal filed by the petitioners was in time and was not time-barred.

67. The respondent nos.3 to 6 cannot rely upon any statement made in the affidavits allegedly given by the legal heirs of Mandala Yettaiah or Mandala Yettaiah himself relinquishing title in favour of Thota Balakrishna Reddy because it is settled law that title to property cannot pass by mere admission. (**Ambika Prasad vs. Ram Ekbal Rai**⁷). The contents of the said affidavits have not even been referred to in the order granting Occupancy Rights Certificate to Thota

⁷ (2015) 10 SCC 369

⁸ AIR 1966 S.C. 605

Balakrishna Reddy and it is doubtful whether such affidavits were given before the passing of the said order. All the affidavits are in English and do not bear any date and it is doubtful whether they were executed by the persons whose names appear on them.

68. For the aforesaid reasons, the Civil Revision Petition is allowed; order dt.04.02.2017 in File No.MDL/F1/5623/2015 of the Joint Collector, Malkajgiri-Medchal District and order dt.19.02.1982 in File No.H/206/1976 of the Revenue Divisional Officer, Hyderabad (East) Division are both set aside. No costs.

69. As a sequel, miscellaneous applications pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-06-2019

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