

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23551 OF 2019

Dated:05.11.2019

Between:

B. Srinivas Reddy, S/o. B. Raji
Reddy, aged about 48 years,
Occ: Agriculture and another

.. Petitioners

And

The State of Telangana, rep., by its
Secretary for Revenue, Secretariat
Buildings, Saifabad, Hyderabad and others

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

2. One Sri M. Srinivas Rao was the Inamdar of land to an extent of Acs.13.36 guntas in Survey Nos.2 and 3, Acs.11.06 guntas in Survey No.214 and Acs.16.02 guntas in Survey No.215 of Girmapur Village, Medchal Mandal, Medchal-Malkajgiri District, and the said lands were Inam Lands and known as 'Dasta Gardan' lands. Sri M. Srinivas Rao died leaving behind his two sons, M. Rama Rao and M. Krishna Rao. According to petitioners, their grand father, by name Bokka @ Metta Balaiah @ Bal Reddy was in possession of the said lands as protected tenant. A declaration was filed under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 before the Land Reforms Tribunal (for short, 'the Tribunal'). The declaration disclosed that the grand father of the petitioners was the protected tenant for the past 20 years, but ignoring the same, the Tribunal included the above extents of lands in the extent of land owned by the landlords and directed the Inamdars to surrender the excess land in Survey Nos.213 and 215. The order of the Tribunal to that extent was made on 15.03.1978. The averments in paragraph No.4 of the affidavit filed in support of the Writ Petition would disclose that Sri V. Ramalingaiah and V. Pentaiah filed L.R.A.No.134 of 1978, which was renumbered as L.R.A.No.13 of 1989 and filed application for

grant of Occupancy Rights Certificate (ORC) under the Inams (Abolition and Conversion into Ryotwari) Act 1956 in respect of land in Survey No.216 and the same was granted on 28.02.1986 and on production of ORC, the land in Survey No.216 was deleted by the Tribunal, whereas the same benefit was not extended to the petitioners. In the Writ Petition, petitioners challenge the order of the Tribunal, dated 15.03.1978.

3. No satisfactory explanation is forthcoming in the affidavit filed in support of the Writ Petition on the reasons for not prosecuting the litigation, aggrieved by the decision of the Tribunal overruling the declaration by landlords and including the land claimed to be in possession of their grand father as protected tenant also as part of the land belonging to the landlords. Only explanation offered is that the grand father was illiterate and could not prosecute the case. Further, simultaneously, petitioners were also prosecuting the claim to grant ORC. The claim to grant ORC is not relevant for the purpose of consideration of the issue. Against the decision of the Tribunal, remedy of appeal is available. Another person, who also claimed as protected tenant, preferred appeal and was successful therein. But, for the reasons best known, the petitioners or their ancestors did not choose to prefer appeals. As the order of the Tribunal was dated 15.03.1978 and the Writ Petition is instituted after 31 years, without availing remedy of appeal, and inordinate delay and laches are glaring on the part of the petitioners in prosecuting the litigation, this Court is not inclined to entertain the Writ Petition.

4. The Writ Petition is accordingly dismissed. However, petitioners are granted liberty to avail the remedy of appeal. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:05.11.2019

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