

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.28922 OF 2019**

Dated:30.12.2019

Between:

Vadla @ Gannaju Krishnaiah,  
S/o. Lingaiah, Hindu, aged about  
59years, Occ: Agriculture,  
R/o.H.No.7-47, Gandhinagar Colony,  
Amangal Village & Mandal, Ranga Reddy  
District and others

.. Petitioners

And

The Principal Secretary (Revenue),  
Secretariat, 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 respondents 1 to 4.

2. Petitioners claim that their ancestor, by name, Vadla Lingaiah was the protected tenant in respect of land to an extent of Acs.11.00 in Survey No.1435/1 and Acs.8.00 in Survey No.1438/1 of Amangal Village. Petitioners claim that they are now in continuous possession of the said land and that their names are reflected in the revenue records. While so, in the recent exercise undertaken by the revenue authorities, their names are deleted and pattadar passbooks are not issued to them. Surprised by this, when the petitioners enquired with their counsel with regard to the appeal preferred by them before the Joint Collector, though earlier they were informed that the appeal was allowed, on verification of the records, it was found that the same was rejected by the Joint Collector. Therefore, challenging the said order of the appellate authority, this Writ Petition is filed.

3. The material on record would disclose that on the application filed by the original land owner of the subject land alleging that the tenants failed to pay rents in spite of repeated requests by issuing notices to the tenants, the Mandal Revenue Officer passed orders in exercise of power under Section 19 (1) of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Act') terminating the tenancy. Aggrieved thereby, 1<sup>st</sup> petitioner and four others filed Appeal Case

No.B7/18/92 before the Joint Collector, Mahabubnagar. The said appeal was rejected by the Joint Collector in May, 1994. In this Writ Petition, petitioners challenge the said order of the Joint Collector.

4. Having regard to the fact that there is delay of 25 years in coming to this Court, challenging the decision of the appellate authority under the Act, the Court requested the learned counsel for the petitioners to explain the reasons for filing the Writ Petition after such a long lapse of time. Learned counsel sought to contend that the petitioners were not aware of the dismissal of the appeal and on the contrary, they were informed that the appeal was allowed. He submits that since the possession of the petitioners was not disturbed, no further steps were taken by them. He further submits that the right of a tenant is a valuable right and no such right can be taken away without following due process and action of the Mandal Revenue Officer in terminating the tenancy is contrary to the law laid down by this Court in **Rama Rao v. Rachappa and others**<sup>1</sup> and therefore the Writ Petition may be entertained.

5. From the reading of the averments filed in support of the Writ Petition, there is no specific explanation or reasons for not filing the Writ Petition within the reasonable time and 25 years delay cannot be said as a reasonable time challenging the order of the Joint Collector passed in May, 1994. From the reading of the Joint Collector's order, it is apparent that after following due procedure and resorting to various modes of service of notice, the

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<sup>1</sup> 1988 (2) ALT 679

Mandal Revenue Officer has taken the decision accepting the plea of the land owner to vacate the tenants from the subject land and the said decision is affirmed by the appellate authority.

6. Though there is no limitation prescribed for entertaining the Writ Petition, the Writ Petition cannot be entertained after long lapse of time and the same is liable to be dismissed.

7. The Writ Petition is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:30.12.2019

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**P. NAVEEN RAO, J**

