

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.4320 OF 2020

O R D E R

The case of the petitioner is that, they are the lineal decedents of the original protected tenants of the subject property. But the unofficial respondents 5 and 6 purchased the subject property under registered sale deeds from third parties, and got their names mutated in the revenue records vide proceedings of the 4th respondent – Tahsildar in File Nos.B/2340/2013 dated 31.12.2013 and B/1296/2014 dated 27.08.2014. Against the said mutation proceedings, they filed appeal before the 3rd respondent – Revenue Divisional Officer, and the appeals filed by them in Case Nos.B/ROR/978/2018 and B/ROR/979/2018, were dismissed by common order dated 26.05.2018, and the further revisions preferred by them to the 2nd respondent – Joint Collector, also ended in dismissal by order dated 30.09.2019. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioners are the legal heirs of the original protected tenants and without issuing any notice, mutation was effected in favour of unofficial respondents 5 and 6, and the appellate and revisional authorities, without considering this aspect, dismissed the appeal and the revision respectively, and hence the same is illegal and arbitrary.

On the other hand, learned Assistant Government Pleader for Revenue, on instructions, submits that the unofficial respondents herein have purchased the subject lands from the persons, who are holders of Occupancy Right Certificate (ORC) and the petitioners have not challenged the said ORC. He further submits that though the petitioners claim that they are the legal heirs of the original protected tenants, they have not filed any succession proceedings under Section 40 of the Andhra Pradesh (Telangana Area) Tenancy And Agricultural Lands Act, 1950 (for short 'the Act'), and hence

considering all the facts and circumstances, the appellate as well as the revisional authorities rejected the claim of the petitioners and hence no exception can be taken.

In this case it is to be seen that though the petitioners claim that they are the legal heirs of the original protected tenants, they could not produce any succession proceedings issued under Section 40 of the Act, either before the appellate or the revisional authorities. Both the authorities below found that unofficial respondents purchased the subject property under registered sale deeds from the persons who are the holders of ORC, and that the petitioners have not challenged the ORC proceedings. In view of the same, both the authorities concurrently rejected the claim of the petitioners. Having regard to the facts and circumstances of the case, no exception can be taken, and the writ petition is devoid of any merits and the same is accordingly dismissed.

However, if the petitioners are aggrieved by the grant of ORC, it is open to them to challenge the same in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:27—02—2020

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