

HONOURABLE SRI JUSTICE M.LAXMAN

SECOND APPEAL NOS.746 & 756 OF 2018

COMMON JUDGMENT :

1. Both the appeals are arising out of Common Judgment and decree dated 19.01.2018 in A.S.No.7 of 2014 & A.S.No.6 of 2014 on the file of III Addl. District Judge, Gadwal, wherein and whereby, the Judgments and Decrees dated 27.04.2013, in O.P.No.2002 of 1984 and O.P.No.2001 of 1984 on the file of Senior Civil Judge, Gadwal, Mahabubnagar District were confirmed. The said O.Ps were arising out of reference made the Land Acquisition Officer due to title dispute amongst the claimants in payment of compensation in respect of lands acquired under Land Acquisition Act. The references were made under Sections 30 and 31 of the Land Acquisition Act.

2. In the O.P.No.2001 of 1984 dated 27.04.2013 respondent Nos.3, 4 and 5 are the appellants/claimants and respondent No.4 is the rival claimant. In the O.P.No.2002 of 1984 dated 27.04.2013 respondent No.4 is the appellant/claimants and respondent no.2 is the rival claimant.

3. The rival claimant is Syed Rahamath Hussain, who is the 4th respondent in O.P.No.2001 of 1984 and 2nd respondent in O.P.No.2002 of 1984 (hereinafter called “rival claimant”) and other claimants are R3, R5 and R6 in O.P.No.2001 of 1984 and R4 in O.P.No.2002 of 1984(hereinafter called “claimants”).

4. Both the Courts categorically declared title of rival claimant Syed Rahamath Hussain and rejected the claim of claimants. The present appeals are filed by the claimants against the rival claimant Syed Rahamath Hussain.

5. For brevity, ranks of the party as claimed in the Original Petitions are maintained.

6. The case of the claimants No.3, 5 & 6 are that they are Inamdars and their rights as Inamdars are recognized by inam tribunal and their names are also reflected in Vasool Baaqi and Pahanies as Inamdars. They claim that they are in possession of subject land. According to them, Occupancy Rights Certificate (ORC) was forged and such ORC is not binding on them.

8. The case of Rahamath Hussain, who is the other rival claimant is that originally, he purchased the subject land from original Inamdars under private sale transaction and subsequently, on the basis of his possession as on the date of 01.11.1973, the

Inam Tribunal has granted ORC under Ex.B1 and B2. Thus, according to him, he is the absolute title holder and his land is acquired by government. He claimed entire compensation.

9. Exs.B1 to B15 are the documents relied upon by the Rahamath Hussain and his legal heirs. Exs.B16 to B39 are the documents relied upon by the other rival claimants, who are the original Inamdars and legal heirs.

10. Both the Courts placing reliance on Ex.B1 and B2 found that the Rahamath Hussain established the Right and Title over the subject land and subsequently, he was declared as rightful person to claim the compensation which is deposited. Aggrieved by the same, the present Second Appeal is filed.

11. The learned counsel for the appellants/claimants has contended that the appellate Court while confirming the order of the reference Court has over looked the entire evidence of appellants/claimants under Ex.B16 to B39. Such evidence clearly showed that the appellants are the rightful Inamdars and their names are reflected as Inamdars and they are in possession. According to them, such findings of the 1st Appellate Court and reference Court suffer from perversity.

12. The learned counsel for legal heirs of the Rahamath Hussain contended that both the Courts have rightly appreciated in the light of Ex.B1 and B2 and rightly appreciated evidence that Rahamath Hussain and his legal heirs are rightful owners since they were declared to be the rightful owners to the Inam lands by virtue of Occupancy Rights Certificates.

13. In this regard, to deal with the contention of the learned counsel for the appellants, it is appropriate to refer Section 29 of the Telangana Abolition of Inams Act, 1955, which reads as follows:

“Section 29: Save as otherwise provided in this Act, no order passed by the Collector or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the High Court as aforesaid or be questioned in any Court of law.”

14. Reading of the above provision would show that the order of the Collector as Special Tribunal shall not be liable to be cancelled or modified except by the High Court and it cannot be questioned in any Court of Law. Even accepting the case of the appellants, that they are Inamdars and the documents relied upon by them show that they are original Inamdars by virtue of Inam Abolition Act, 1955, all Inams were abolished and title to the properties are vested only with the Government with effect from 20.07.1955. For conferring Occupancy Rights Certificate, possession as on

01.11.1973 has been taken and rival claimant Rahamath Hussain was in possession on the relevant date.

15. In the present case, Inam Tribunal by exercising powers under the Inam Abolition Act has made an inquiry into claims of Rahamath Hussain and he was declared to be the person entitled for Occupancy Rights by virtue as of his possession as on the date of 01.11.1973 and Exs.B1 and B2 are such documents.

16. The learned counsel for the appellants contended that Exs.B1 and B2 are the documents unbelievable and they are forged one. Both the Courts found that the documents under Exs.B1 and 2 are certified copies of public document. As per Section 76 of the Indian Evidence Act, 1872, a public document can be produced by way of a certified copy. Section 77 of the Indian Evidence Act says that certified copies may be produced in proof of contents of public document. The person who alleges forgery has to prove that they are forged documents.

17. In the present case, no efforts have been made by the appellant to examine Exs.B1 and B2 that they are forged documents. Thus, such documents were believed and same was rightly believed by both the Courts below. I do not find any

substantial question of law involved in the present cases. Therefore, the appeals are liable to be dismissed.

18. Accordingly, both the second appeals are dismissed. There shall be no order as to costs. Pending miscellaneous applications, if any, shall stand closed.

M.LAXMAN, J

Date:11.07.2022.
Krl.