

(1995) 08 AP CK 0081

In the Andhra Pradesh High Court

Case No : C.R.P. No. 3816 of 1990 and CMP No. 5329 of 1990

Shaik Nabi and Others

APPELLANT

Vs

Smt. N. Parijatha and Others

RESPONDENT

Date of Decision : 31-08-1995

Acts Referred:

Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 — Section 7
Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 — Section 19, 19(1), 19(2), 28, 32
Civil Procedure Code, 1908 (CPC) — Order 41 Rule 27

Citation : (1995) 3 ALD 1119 : (1995) 3 ALT 304

Hon'ble Judges : A. Gopal Rao, J

Bench : Single Bench

Advocate : A. Anantha Reddy and E. Sambasiva Pratap, in CRP and B. Prakash Rao, in CMP, for the Appellant; A. Anantha Reddy and E. Sambasiva Pratap, in CMP and B. Prakash Rao in CRP, for the Respondent

Final Decision : Allowed

Judgement

A. Gopal Rao, J.—This Civil Revision Petition is filed u/s 91 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the Act"). The petitioners-herein were the respondents in Case No. B /23892 /82, on the file of the Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District. The respondents-herein are the legal representatives of one N. Krishna Reddy, who was the petitioner in Case No. B/23892/1982 before the Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District. Late Krishna Reddy filed the above-said petition before the Mandal Revenue Officer, Malkajgiri Mandal, u/s 40 of the Act for granting succession certificate of protected tenancy and also u/s 32 of the Act for delivery of possession of the land after evicting the respondents therein (petitioners-herein).

2. The facts, as disclosed from the petition filed by Krishna Reddy before the Mandal Revenue Officer, are as follows: One L. Ella Reddy and his brother Narsa Reddy were the protected-tenants under the Inamdar, who was the predecessor

in title of the petitioner herein, with respect to the suit schedule land. After the death of Ella Reddy and Narsa Reddy, taking advantage of the minority of Krishna Reddy and others, they were dispossessed by the petitioners-herein. It is significant to note that the date of dispossession has not been stated in the said application. During the pendency of the said petition before the Mandal Revenue Officer, Krishna Reddy died and his legal representatives were brought on record, who are the respondents . Krishna Reddy is the son of Narsa Reddy. Though Ella Reddy has got sons, they were not impleaded as party-petitioners in that petition.

3. That petition was opposed by the Inamdars (the petitioners herein), alleging that Yella Reddy and Narsa Reddy died after they were evicted by the Tahsildar on 10-8-1962, in the Execution Proceedings, viz., E.2/4603/60, taken pursuant to the termination of their tenancy rights by the Inamdar. This execution proceeding was filed for implementing the order of eviction passed by the Tahsildar on 20-7-1959, in Eviction Petition No. A.5/1082/58, filed by the Inamdar, under Sections 28 and 32(2) of the Act, against Ella Reddy and Narsa Reddy. As the default in payment of rents committed by the protected-tenants was for less than three years, the Tahsildar granted 90 days" time for payment of the entire arrears of rent due, with a default clause for eviction. Against the order of eviction passed by the Tahsildar, the tenants Ella Reddy and Narsa Reddy filed an appeal before the Joint Collector, Hyderabad, which was numbered as File No.B.7/32883/59. The said appeal was dismissed on 7-12-1959. Against that order, even though revision lies u/s 91 of the Act, the same was not filed. Therefore, the order of eviction passed by the Tahsildar had become final. As Ella Reddy and Narsa Reddy failed to comply with the conditional order passed by the Tahsildar, the Inamdar filed E.P. No.E.2 /4603 /60, before the Tahsildar, East Taluk, Hyderabad. Ella Reddy and Narsa Reddy filed a petition bearing No.A-3/4650/59, before the Deputy Tahsildar, Eastern Division, Hyderabad District, for fixation of fair lease amount u/s 11 and Section 17 of the Hyderabad Tenancy and Agricultural Lands Act, regarding the very same lands, but they did not succeed in the said petition. On account of pendency of this fixation of fair rent application, filed by Ella Reddy and Narsa Reddy, referred to above, the E.P. filed by the Inamdar was kept pending and ultimately an order was passed on 10-8-1962 for eviction of Ella Reddy and Narsa Reddy. The extent of the land covered by these proceedings is Ac.25-27 guntas of land. The notice of termination, given by the Inamdar in the year 1955 to Ella Reddy and Narsa Reddy, also relates to Ac.25-27 guntas of land. The same extent is also the subject-matter of the eviction petition. The protected tenants, Ella Reddy and Narsa Reddy, were not able to pay the amount. So a compromise petition was filed duly signed by the Inamdar and the tenants as well as the respective Counsel appearing for them, which was recorded by the Tahsildar, in the E.P. pending before him. The Tahsildar issued warrant for delivery of possession of the land pursuant to the order passed in the Eviction Petition on 10-8-1962 and 10 possession of the land was, in fact, delivered to the Inamdar, under a panchnama. Therefore, it is contended by the Inamdars, the petitioners-herein,

that the protected-tenancy of Ella Reddy and Narsa Reddy was terminated under due process of law, in the year 1959 itself, and hence the present application filed by Krishna Reddy under Sections 40 and 32 of the Act is not maintainable as the right of protected-tenancy did not devolve to him.

4. The Mandal Revenue Officer, by elaborate Order, dated 18-9-1987, discussed the entire materials on record and dismissed the petition, holding that possession of the suit land was delivered to the pattedars inamdars through the Revenue Inspector by conducting panchanama in the year 1962 itself and therefore, the petitioners therein had not made out any case for restoration of possession of the land, which was lawfully given to the pattedars by following the procedure laid down under law. Aggrieved by the same, the respondents- herein filed appeal before the Joint Collector, Ranga Reddy District, which was numbered as B.4/6168/88. The said appeal was filed on 21-6-1988. The Joint Collector, Ranga Reddy District, perusing the certified copy of the final tenancy register for the year 1957-58, held that the Meer Tahir Ali was registered as pattedar and the names of Ella Reddy and Narsa Reddy are registered as protected-tenants for the land in question; the signatures of Ella Reddy and Narsa Reddy are forged in the compromise petition filed before the Tahsildar; the surrender made after the Amendment Act 1954 came into force, should be made in accordance with Section 19(1) of the Tenancy Act and the same having not been done, the entire proceedings before the Tahsildar are vitiated and in that view of the matter, allowed the appeal. Aggrieved by the same, the present Revision Petition is filed by the petitioners-pattedars.

5. Shri Ananta Reddy, learned Counsel appearing for the petitioners in this Revision Petition, contends that the learned Joint Collector had no jurisdiction to allow the appeal without condoning the delay in filing the appeal by the respondents-herein and without bringing on record the legal representatives of 40 the 3rd respondent in the appeal; the petition for eviction having been filed by the petitioners before the Tahsildar u/s 28 of the Act, the question of compliance of the provisions of Section 19 of the Act does not arise and the reference made by the Joint Collector to Section 19(1) of the Act, is illegal and totally unwarranted; the protected-tenancy having come to an end in the year 1959 itself, Krishna Reddy has no right or any authority to file the present petition under Sections 40 and 32 of the Act, as the protected-tenancy has not devolved on him and, in any event, the order passed by the Tahsildar having not been questioned by late Ella Reddy and Narsa Reddy during their life-time, Krishna Reddy-son of Narsa Reddy-has no authority or right to question the same at this distance of time; non-joinder of Ella Reddy or his legal representatives in the present petition filed by the respondents is fatal and the petition ought to have been dismissed on this ground alone; even after the death of Krishna Reddy, the sons of Ella Reddy have not come on record as legal representatives; the Joint Collector pronounced the order without due notice to the petitioners and also delivered possession of the land to the respondents even before a copy of the order has been furnished to the petitioners; in any event, after the A .P.

(Telangana Area) Abolition of Inams Act came into force on 20-7-1955, the tenancy rights ceased to exist; failure to produce a certified copy of the extract of Final Tenancy Register u/s 38(e) of the Hyderabad Tenancy Act by the respondents necessarily leads to the inference that the protected tenancy rights were already terminated with respect to the lands in question pursuant to the order of eviction passed on 10-8-1962 by the Tahsildar and consequently the relevant entries in the Register are made, registering the pattedars as persons in possession. The learned Counsel for the petitioners also contends that for the reasons stated above, the order of the Joint Collector, Ranga Reddy District impugned in the revision petition, has to be set aside by allowing the revision petition.

6. Shri B. Prakash Rao, learned Counsel appearing for the respondents, however, contends that- failure to follow the mandatory provisions of Section 19 of the Act by the Tahsildar, in recording the compromise alleged to have been entered into between Ella Reddy and Narsa Reddy on one hand and the Pattedars on the other, rendered all subsequent proceedings, taken on the basis of the said compromise, void; and hence the termination of tenancy and possession of the land secured through the Tahsildar are illegal and inoperative. It is also contended by the learned Counsel for the respondents, that the compromise was recorded without examining any one of the protected- tenants and on that ground also it must be held that the termination of protected tenancy and delivery of possession of the land to the petitioners are illegal and improper. He further contends that the rights of the protected tenants are no way altered or affected by virtue of the A.P. (Telangana Area) Inams Abolition Act coming into force, as the provisions of the said Act themselves sufficiently safeguard the rights of the protected-tenants under the Tenancy Act. He further contends that the petition filed by Krishna Reddy as Manager of the Joint Hindu Family, is perfectly in order and, therefore, there is no need to make Ella Reddy or on his legal representative as party-petitioners in the petition filed before the Mandal Revenue Officer. He also submits that the delay in filing the appeal by the petitioners before the Joint Collector was duly condoned on 21-1-1988 and the same has not been challenged and, therefore, it is not correct for the petitioners to contend that the Joint Collector has allowed the appeal without condoning the delay in presentation of the appeal. He further contends that the fact of death of Krishna Reddy - one of the respondents in the appeal before the Joint Collector - was not brought to the notice of the appellants before the Joint Collector and, therefore, his legal representatives were not brought on record and the same is not fatal to the appeal, as the other persons representing the interests of the Inamdars are already on record. It is lastly contended by the learned Counsel for the respondents that, in any event, as the scope of the revision filed u/s 91 of the Tenancy Act being the same as that of a Revision Petition filed u/s 151 of the Code of Civil Procedure, the same has to be dismissed as no error of jurisdiction has been made out in the order impugned in this revision petition. For all the above reasons, it is contended by the learned Counsel for the respondents, that

this Revision Petition has to be dismissed.

7. In view of the rival contentions made by the respective parties, the point that falls for consideration is-----Whether the Order passed by the Joint Collector, Ranga Reddy District in allowing the appeal filed by the respondent herein, is legal and proper?

8. Before discussing the merits of the case, it is necessary to note the relevant provisions of the Act, which are relied upon by the respective learned Counsel, appearing for the petitioners and the respondents, in support of their contentions.

9. Section 19 of the Act reads thus:

"Section 19: Termination of tenancy:- (1) Notwithstanding any agreement or usage or any decree or order of a Court of law, but subject to the provisions of sub-section (3), no tenancy of land shall be terminated before the expiration of the period for which the land is leased or deemed to be leased otherwise than-

(a) by the tenant by surrender of his rights to the land-holder at least a month before the commencement of the year;

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 Tehsildar; or

Provided further that where the land is cultivated jointly by joint- tenants or members of an undivided Hindu Family, unless the surrender is made by all of them, it shall be ineffective in respect of such joint tenants as have not joined in the application for surrender, irrespective of the fact that the names of all the joint tenants are not mentioned in the certificate;)

(Rest is omitted)".

Section 28 of the Act is as follows:

Section 28: Relief against termination of tenancy for non payment of rent :-

Substituted by Act No.III of 1954, published in Gazette Extra-ordinary No.(29), dated 4th Feb., 1954 (1) Where a tenancy of any land held by a tenant is terminated for non- payment of rent and the land-holder filed any proceeding to eject the tenant, the Tahsildar shall call upon the tenant to tender to the landholder the rent in arrears together with the cost of proceeding within "(ninety) days from the date of the order, and if the tenant complies with such order, the Tahsildar shall, in lieu of making an order of ejectment, pass an order directing that the tenancy has not been terminated, and thereupon the tenancy had not been terminated;

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period specified in sub-clause (i) of Clause (a) of sub-section (2) of Section 19.

(2) The landholder may apply to the Tahsildar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Tahsildar may, after such enquiry as he considers necessary, pass such order as he deems fit. The Tahsildar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the landholder within the period of three years immediately preceding the date of application made under Sub-section (1) in excess of the rent due from him:

Provided that if the Tahsildar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Tahsildar may, for reasons to be recorded in writing, direct that the arrears of rent together with costs of the proceedings, if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrear so for rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted."

There is no dispute that, neither Ella Reddy nor Narsa Reddy - the original tenants are alive and that the present petitioners (sic. respondents) are the heirs of Narsa Reddy. The Inamdar admittedly gave a notice, demanding payment of arrears of rent for the years 1956-57 and 1957-58 and also terminating the tenancy of Ella Reddy and Narsa Reddy. Ella Reddy and Narsa Reddy did not pay the rents. Therefore, the landlords filed eviction petition before the Tahsildar, which was numbered as Case No. A.5/108 /58 under Sections 28 and 32(2) of the Act. A notice, as contemplated under the Act, was ordered to the tenants and after conducting enquiry, the Tahsildar found that the tenants are in arrears of rent and that they committed default in payment of rent. In that view of the matter, he ordered the tenants to pay the arrears of rent to the landlords within (90) days from the date of the order, after deducting the land revenue and the lease amount, if any, paid by them, failing which, they shall be evicted from the land. This order was passed on 20-7-1959. Admittedly, the tenants did not pay the arrears of lease amount as directed by the Tahsildar. The landlords filed Execution Proceedings, bearing No.E.2/4603/60, before the Tahsildar. During the pendency of the execution proceedings, a compromise memo was filed duly signed by the respective parties and their Advocates, wherein it was agreed that the tenants have to surrender their possession of the land in question, relinquishing their tenancy rights in lieu of waiving of right of recovery of arrears of rent by the landholder. An order was passed on the basis of the compromise memo on 10-3-1962. A warrant was issued by the Tahsildar for delivery of possession and ultimately the warrant was executed and possession was delivered by the tenants to the landlords. The tenants are not disputing the fact of landholders securing possession, but they contend that possession was taken, taking advantage of the minority of the legal representatives of Narsa Reddy and others. Thus, the order of the Tahsildar, ordering eviction of the tenants from the land s in question, in case of the tenants failing to pay the arrears of rents as directed by him, was virtually implemented. This order was passed u/s 28 of the

Act.

10. It is significant to note that the memo of compromise was also filed before the Tahsildar under Sections 28, 19 and 32 of the Act. Where the possession of the land was delivered to the landlord by the tenants in pursuance of an order passed by the competent authority under Sections 28 and 32 of the Act, there is no question of complying with the requirements laid down u/s 19 of the Act. A reading of Section 19 of the Act, extracted above, will indicate that if the tenancy rights are surrendered independently and voluntarily by the tenants without reference to any order passed u/s 28 or Section 32 or any other provision of the Act by the Tahsildar, the compliance of the requirements of Section 19 of the Act would be mandatory. The proceedings of eviction of the tenants either u/s 28 or 44 of the Act are independent proceedings. A reading of Section 28 of the Act extracted above will indicate that, where the tenancy has been terminated by the landlord for non-payment of rents and the said termination order has been passed by the competent authority, on an application filed by the landlord against the tenants on account of the default committed by them, the question of compliance of provisions of Section 19 of the Act does not arise. The facts narrated above will indicate that in this case, the tenants in fact, committed default in payment of rents pursuant to the order passed by the Tahsildar and eviction and dispossession of the tenants was made in execution of the order passed by the Tahsildar. No doubt, a compromise petition was filed duly signed by the tenants and the landlords, before eviction of the tenants was actually effected. It is also to be noticed that possession of the land was delivered under the Warrant of Tahsildar for non-compliance of his order in respect of payment of rents. Thus, the order of Tahsildar was complied with in toto. Even if there was no compromise, the Execution Proceedings would be completed by delivering possession to the landlords by the tenants for non-payment of the rents, as the original order passed itself was for eviction of the tenants, in the event of tenants not paying the rents due within the time prescribed. As that order was implemented in execution, there can be no illegality or irregularity or any violation of the provisions of the Act. A reading of the compromise memo will also disclose that the compromise was totally for the benefit of the tenants only as they were getting the advantage of not paying the arrears of lease amount due to the landlords. This liability to pay the arrears of lease amount ceased by this compromise. Therefore, this case squarely falls u/s 28 of the Act. It is not a case of eviction made as per the provisions of Section 19 of the Act. Termination u/s 19(2) of the Act by the landholders has to be made if the tenants failed to pay the lease amount in any year within fifteen days from the day fixed, whereas termination of tenancy by landholder u/s 28 of the Act will be made when the tenant is in arrears for more than one year. The termination of tenancy in the present case, therefore, falls u/s 28, and not u/s 19(2), of the Act.

11. The facts of this case will also disclose that, the tenants have not voluntarily surrendered possession of the land in favour of the landlords. They were forced to do so on account of the default committed by them in non-payment of rents

as ordered by the Tahsildar. I, therefore, hold that there was no need for recording the compromise in terms of Section 19(1) of the Act. It is significant to note that the appeal filed by the tenants against the order of Tahsildar directing payment of arrears of rent with default clause, was dismissed by the appellate Authority and consequently the order of eviction had become final, as the matter was not carried in revision by the tenants u/s 91 of the Act.

12. The learned Counsel for the respondents, Sri Prakash Rao, contended that when the compromise was in fact entered into and possession was delivered as per the compromise, the requirements of Section 19 of the Act must be complied with, as otherwise the entire proceedings will become void. I have already dealt with the said contention. Needless to state that compliance of requirements of Section 19(1) of the Act is mandatory when there is simple surrender by the tenants of their tenancy rights. But, where the tenants forego their tenancy rights in execution proceedings filed in pursuance of the order of the Tahsildar, the question of compliance of Section 19 of the Act does not arise because the proceedings were initiated u/s 28 of the Act for eviction of the tenants. Those proceedings were vehemently contested by the tenants and the contentions raised by the tenants were negatived. When the Execution Petition was filed, a compromise memo was filed by both the parties wherein the tenants have agreed to deliver the land to the landlords relinquishing their tenancy rights. In such a case, the requirement of compliance of Section 19(1) of the Act, does not arise, as the order passed u/s 28 of the Act is an independent action apart from Section 19 of the Act. It is to be noticed that the Act provides for delivery of possession of the land by the tenant, when the tenant is not able to pay the rent. If possession is directed to be delivered u/s 44 of the Act for personal requirement of the landlord, the question of surrender as contemplated u/s 19 of the Act does not arise. Similarly, when the possession is directed to be delivered in default of payment of rent, in pursuance of the order of the Tahsildar u/s 28 of the Act, the question of complying with the requirement of Section 19 of the Act does not arise. The action taken either u/s 44 or Section 19 or Section 28 of the Act, is an independent one, and the same does not depend upon other provisions of the Act. It, therefore, follows that there is no illegality or irregularity in the order passed by the Mandal Revenue Officer dismissing the petition filed by the respondents-herein under Sections 40 and 32 of the Act.

13. In the present petition filed by Krishna Reddy, it is stated that late Ella Reddy died in the year 1967. Ella Reddy, who was alive subsequent to the filing of compromise petition, has never stated anywhere that Narsa Reddy had not signed the compromise petition. In the present petition, Ella Reddy's son has not joined as petitioner. The petitioner, who is the son of Narsa Reddy, died in the year 1985 and he did not give evidence. The present respondents are the legal heirs of Krishna Reddy, son of Narsa Reddy. Even now, Ella Reddy's son has not joined as party-petitioner along with the legal representatives of Krishna Reddy. The legal representatives of Krishna Reddy also have not given evidence. The present respondents were represented by a General Power of Attorney-5th

respondent in the revision petition, who was represented by an Advocate. Even the General Power of Attorney Holder did not go into the box and, therefore, the Mandal Revenue Officer passed the order on 18-9-1987, dismissing the petition filed by the respondents-herein. The certificate of death of Narsa Reddy, which is sought to be filed, is issued by the Hyderabad Municipality in the year 1984 whereas late Narsa Reddy was a permanent resident of Safilguda, which was in Malkajgiri Municipality. The death certificate itself discloses that the place of death of Narsa Reddy is Safilguda. This certificate was not filed before the Mandal Revenue Officer or before the Joint Collector, when the appeal was pending. It is now being filed for the first time as additional evidence. For the reasons mentioned above, this certificate cannot be admitted as additional evidence, and it is also not required for the purpose of pronouncing orders in this revision petition. The petition (C.M.P. No. 5329 of 1992) for additional evidence is accordingly dismissed.

14. The obvious reason for any one of the parties not going into the box to give evidence is that they did not file the certificate of protected-tenancy. If they go into the box, necessarily they have to give suitable explanation for not filing the protected-tenancy certificate. The fact is, that at the time when the tenancy was terminated pursuant to the order of the Tahsildar in the year 1959, the protected tenancy certificate should have been surrendered and the necessary entries in the revenue records would have been made in the prescribed columns treating the landlords as the persons in possession and enjoyment of the property. The learned Joint Collector had made a reference in the order to the effect that the protected tenancy certificate was perused and noticed that Ella Reddy and Narsa Reddy are in possession of the lands in question. This reference by the Joint Collector relates to the xerox copy of the Certified Copy of the Original Certificate of Protected Tenancy, filed by the respondents. A scrutiny of the certified copy of the protected tenancy certificate produced by the respondents will disclose that it was issued by the Revenue Divisional Officer. That protected tenancy certificate relates to 1957-58 and the same was filed by the respondents-herein, in file No.A-3/4650/59, dealing with the case filed by them, for fixing fair rent. Had the respondents applied for a certified copy of the "original certificate" filed before the Mandal Revenue Officer, the same would have indicated that the protected tenancy of Ella Reddy and Narsa Reddy was already deleted from the revenue records pursuant to the order of eviction passed by the Tahsildar, and their names as tenants have been rounded off. A perusal of the records discloses that the Mandal Revenue Officer, in fact, raised objection that the certified copy is not legible and the respondents should file another copy. The respondents produced another copy, without the details regarding file No.A3/4650/59. The Joint Collector, erroneously relying upon this certificate, came to the conclusion that the names of Ella Reddy and Narsa Reddy continued to be as protected tenants in the revenue records for the lands in question, whereas the facts are otherwise. If the protected tenancy in favour of Ella Reddy and Narsa Reddy was in fact subsisting in the year 1973, after the A.P. (Telangana Area) Abolition of Inams

Act came into force, as all the protected-tenants automatically were recognised as owners, Ella Reddy and Narsa Reddy also would have become owners. It has not happened in this case, because neither the Tahsildar conducted any suo motu enquiry nor the respondents themselves filed any application to treat them as owners u/s 38(3) of the Act. The reason is obvious-because there was no protected tenancy subsisting in the year 1973 in favour of Ella Reddy and Narsa Reddy. The respondents could not also apply for grant of inamdar rights (patta) u/s 7 of the A.P. (Telangana Area) Abolition of Inams Act, because they were evicted from the lands in the year 1962 itself (August) as per the orders passed by the Tahsildar. From 1-11-1973, the Inams Abolition Act came into force in its entirety, enabling the authorities to grant pattas to the tenants u/s 38(3) of the Act. Yet, the respondents had not made any application for grant of patta to this land, as they were not, in fact, in possession of the land as per the revenue records.

15. The land-holders filed a petition under the Inams Abolition Act for grant of occupancy rights. After due enquiry by the Revenue Divisional Officer, the landlords were found to be entitled for occupancy rights under the Hyderabad Inams Abolition Act and certificates were also issued to them, upholding their rights. Thus, possession of the landlords was validly upheld by the Inams Tribunal. The said order became final. The original tenants or their heirs had never filed any petition under the Inams Abolition Act.

16. The original tenants-Ella Reddy and Narsa Reddy died. During their life-time itself, they were evicted from the lands in question, by the landlords and possession of the lands was delivered to the landlords. When the original tenants themselves had no subsisting tenancy rights, nothing survives for inheritance by their legal representatives. Therefore, the question of granting tenancy certificate u/s 40 of the Act to Krishna Reddy, as a legal representative of Narsa Reddy, does not arise. Similarly, possession of the land which was secured by the landlords in the year 1962 cannot be ordered to be delivered to Krishna Reddy in the year 1982 as claimed by him u/s 32 of the Act. Therefore, the present petitioners (sic. respondents), who are the heirs of Ella Reddy and Narsa Reddy are not entitled to any relief at all.

17. In view of the above findings recorded by me, it is not necessary to refer and consider the other contentions raised by the respective counsel mentioned above and the decisions cited by them in support of their respective contentions.

18. For all the reasons stated above, this Revision Petition is allowed, setting aside the Order, dated 22-10-1990, passed by the Joint Collector, Ranga Reddy District, in Appeal Case No. B-4/6168/88. The order, dated 18-9-1987, passed by the Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District, in Case No. B/23892/82 is hereby upheld and restored. Consequently, it is hereby declared that the possession of the lands in question, secured by the respondents-herein pursuant to the Order, dated 22-10-1990, passed by the Joint Collector, Ranga Reddy District, is not valid and sustainable under law.

19. Accordingly, this Revision Petition is allowed. There shall be no order as to costs.