
(1980) 01 AP CK 0008

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No. 4010 of 1979

State of Andhra Pradesh

APPELLANT

Vs

Penumatsa Venkata Raju

RESPONDENT

Date of Decision : 22-01-1980

Acts Referred:

Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 — Section 20(3)

Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 — Rule 16(9)

Citation : AIR 1981 AP 22

Hon'ble Judges : Seetharama Reddy, J

Bench : Single Bench

Advocate : Govt. Pleader, for the Appellant;

Final Decision : Dismissed

Judgement

Seetharama Reddy, J. 1. The only point that arises for consideration is whether service or communication to the counsel of the declarant is the proper service or communication to the party within the meaning of Rule 16 (9) of the Rules framed under the Land Ceiling Act. Rule 16 (9) reads under :

"Every notice or summons issued or order passed by the Tahsildar, Revenue Divisional Officer, District Collector, Tribunal or Appellate Tribunal, as the case may be, shall be served or communicated to the persons concerned either by personal delivery to him or where the above course is not feasible, by sending It by post under the certificates of posting to his address at the last known place of residence".

2. It is quite evident from the above rule that a particular mode has been prescribed by the statute and non-compliance of the statutory rule would nullify the proceedings, this view has been taken by this Court on more than one occasion. My learned brother Madhava Reddy J. in K. Chinna Nagiah v. Spl. Tahsildar (LR), Markapur, (1977) 2 APLJ (Notes) 67: AIR 1978 NOC 158 held that

service on the counsel for the declarant is not a service at all. I am not persuaded to take a view at variance With the aforesaid observation. The provisions are mandatory. In the case before me admittedly, the fact is that communication was made to the counsel. Therefore, it is quite apparent, that there is no service or communication to the party as contemplated by the aforesaid rule. If there is any delay in filing the appeal, it is said to be after obtaining a copy of the order served on the counsel for the declarant. It cannot be considered as delay at all. In fact, the limitation starts from the time when the order made by the primary tribunal has been properly served or communicated within the meaning of Rule 16 (9). Since that is conspicuous by absence, there is no starting point of limitation at all in this case.

3. The contention of the learned Government Pleader is therefore rejected.

4. The Civil Revision Petition is dismissed. No costs. Advocate's fee Rs. 150.