(2001) 09 AP CK 0091

In the Andhra Pradesh High Court

Case No : C.R.P. No. 3478 of 1997

The Authorised Officer	APPELLANT
Vs	
Beesetti Rama Rao	RESPONDENT

Date of Decision : 28-09-2001

Acts Referred:

Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 — Section 21

Citation : (2002) 2 ALD 846 Supp : (2001) 3 APLJ 250

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : G.P, for the Appellant;

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—This Civil Revision Petition (CRP) is filed by the State u/s 21 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (hereinafter referred to as the ''the Act'').

2. One Sri Beesetti Bapanayya and Beesetti Venkata Rao filed separate declarations under the Act in respect of the lands held by them. An order was passed by the Land Reforms Tribunal, Kakinada (for short ''the primary Tribunal'') on 5-7-1976 declaring that they hold an extent of 3.1777 Standard Holdings in excess of ceiling limit. Against the said order of the primary Tribunal, the legal representatives of Beesetti Bapannyya and Beesetti Venkata Rao filed appeals in LRA Nos. 830 and 831 of 1976 and 191 of 1977 before the Land Reforms Appellate Tribunal (for short ''the appellate Tribunal''). Through a common order dated 26-10-1977, the appellate Tribunal allowed the appeals. Certain items were directed to be deleted from the holdings of the declarants and as regards some other lands, the primary Tribunal was directed to conduct fresh enquiry.

3. The primary Tribunal undertook the enquiry of the matter after remand and pass an order dated 6-10-1989 to the effect that the declarants hold the land of

0.8463 Standard Holdings in excess of ceiling limits. However, it did not accede to the request of the respondents herein for deletion of certain items of property, which according to the respondents, are covered by tanks (non-agricultural lands) and also certain structures. Aggrieved by the orders of the primary Tribunal dated 6-10-1989, the respondents filed L.R.A.No.119/89 before the appellate Tribunal. The appellate Tribunal framed four points in respect of each item of land and dealt with them separately with reference to the report of the Commissioner as well as entries in the revenue records. Through order dated 14-10-1993, the appellate Tribunal allowed the appeal. The State challenges the same in this Civil Revision Petition.

4. The learned Government Pleader for Land Ceilings contended that a reading of the order of the primary Tribunal dated 6-10-1989 indicates that the report of the Commissioner does not state that the lands are covered by the tank or structures and that the order of the appellate Tribunal cannot be sustained as the same is contrary to evidence on record.

5. The revision was admitted and notices were ordered. The revision was dismissed for default against respondent Nos. 1and 3 on 23-11-2000. Strictly speaking, the revision against the 2nd respondent also stands dismissed and no further orders need to be passed. However, to avoid further complications in the matter, the same is being considered on merits.

6. The order of the appellate Tribunal indicates that the Commissioner appointed in IA.381/90 inspected the land covered by Sy.No.322/6 and reported that the land to the extent of 0.71 cents in S.No.322/6 is full of water. Accepting this finding of fact, the appellate Tribunal ordered exclusion of 0.71 cents from the holdings of the respondents herein. The same cannot be found fault with. As regards 0.9 1/2 cents in Sy.No.322/7, the appellate Tribunal once again referred to the report of the Commissioner which is to the effect that the extent covered by water and bunds to a height of 7 feet is 0.19 cents. Since the primary Tribunal excluded only 0-9 cents, the appellate Tribunal ordered the exclusion of the balance of 0.9 1/2 cents also. Coming to the land in Sy.No.325/1, the appellate Tribunal held that the total extent is Ac.18-25 cents and in column 17 of the adangal extracts for the years 1378 fasli to 1383 fasli, it was categorically noted that there is a private tank covering an extent of Ac.5-00. Once the revenue entries themselves speak to the fact and establish that the said extent of Ac.5-00 is covered by tank, there is no justification for the primary Tribunal in not excluding this land. The appellate Tribunal had corrected the mistake committed by the primary Tribunal. The 4th item discussed by the appellate Tribunal is the land to an extent of 0-50 cents in Sy.No.203/2. For this also, the appellate Tribunal relied upon the adangal extracts at page 204 of the faslies 1378 to 1383.It was found, as a fact, that in column 17 of the said extracts, the land in this survey number was described as having been covered by ''Dodlu'' (cattle shed).Recording such a finding, the appellate Tribunal directed exclusion of this item also.Under these circumstances, the order of the appellate Tribunal cannot

be said to be suffering from any infirmity or illegality.

7. The CRP is accordingly dismissed, but in the circumstances of the case, there shall be no order as to costs.

