
(1961) 08 BOM CK 0011

In the Bombay High Court

Case No : Second Appeal No's. 494, 622 and 623 of 1956

Tulsiram Ramkisan

APPELLANT

Vs

Ramsingh Pannusingh Raghuwanshi

RESPONDENT

Date of Decision : 22-08-1961

Acts Referred:

Evidence Act, 1872 — Section 92
Registration Act, 1908 — Section 49

Citation : (1962) 64 BOMLR 41

Hon'ble Judges : Naik, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Naik, J.—All these three appeals raise a somewhat ticklish question arising under the Berar Regulation of Agricultural Leases Act, 1951, and can be disposed of by a common judgment. The facts in these three cases are somewhat different and will have to be stated separately. I will set out the facts which have given rise to Second Appeal No. 494 of 1956 first.

2. Chandrabhan was the owner of the land, Survey No. 43, situated at mouza Hirur. He was indebted to several persons and, therefore, he along with one of his sons Bapurao made an application to the Debt Relief Court under the Central Provinces and Berar Relief of Indebtedness Act, 1939, for the settlement of his debts. Ganpatsingh was among the creditors named in the petition. A scheme was prepared u/s 11 of the said Act on October 3, 1941. Chandrabhan died after the scheme was prepared leaving behind him four sons, Wasiideo, Ambadas, Bapurao and Madhukar. The Deputy Commissioner accorded sanction to the four sons of Chandrabhan for transferring the land for the purpose of satisfying the debts. In the meantime, the four sons of Chandrabhan passed a kaulpatta (exh. 2 D-2) under which they leased the land to Shriram and Balkrishna, defendants Nos. 2 and 4, for a period of six years. That was on January 15, 1946. Again, on August 6, 1947, Wasudeo, one of the four sons of Chandrabhan, sold 1/4th share

in the land to Tulsiram and Mahadeo, defendants Nos. 1 and 3. Similarly, on June 21, 1948, another son Bapurao sold his 1/4th share to the same persons, defendants Nos. 1 and 3. In accordance with the sanction given by the Deputy Commissioner, the four sons of Chandrabhan passed a sale-deed in favour of Ganpatsingh on July 26, 1947. The sale was subject to the lease granted in favour of defendants Nos. 2 and 4 in 1946. Ramsingh, who is the plaintiff in this case, is the nephew of Ganpat-singh, the purchaser under the sale-deed, dated July 26, 1946. He claimed that the suit land had fallen to his share in a partition with his uncle. He filed a suit against the four defendants contending that the lease in favour of defendants Nos. 2 and 4 is invalid and also contended that the sale-deeds in favour of defendants Nos. 1 and 3 were also invalid, and asked for possession on the basis of his title. The suit was resisted by the defendants on several grounds. One of them was that defendants Nos. 2 and 4 were protected lessees u/s 3 of the Berar Regulation of Agricultural Leases Act, 1951. They also contended that the question as to whether they were protected lessees cannot be decided by the civil Court and must be referred to the Revenue Officer u/s 16-A of the same Act. An issue was raised on that point in the trial Court which is issue No. 11. The trial Court came to the conclusion that the civil Court had jurisdiction to decide the question. It further held that the sale-deeds in favour of defendants Nos. 1 and 3 and also the kaulpatta in favour of defendants Nos. 2 and 4 were invalid on the ground that no sanction was obtained from the appropriate authorities in respect thereof. Consequently it decreed the plaintiff's suit. From that decision the defendants preferred an appeal in the District Court of Amravati. The appeal was heard by the Additional District Judge, Achalpur, to whom it came to be transferred in the course of distribution of business and the Additional District Judge, agreeing with the conclusions reached by the trial Court, dismissed the appeal. It is against that judgment that the defendants have come up in appeal.

3. The main contention urged by Mr. Kalele on behalf of the defendants is that the civil Court has no jurisdiction to consider the question as to whether defendants Nos. 2 and 4 are protected lessees and the issues relating to this question have got to be transferred to the Revenue Officer u/s 16-A of the Berar Regulation of Agricultural Leases Act, 1951. He also contended that the sanction of the Deputy Commissioner was not necessary so far as the sales effected in favour of defendants Nos. 1 and 3 are concerned. He advanced the same argument in respect of the lease.

4. I will now set out the facts giving rise to Second Appeals Nos. 622 of 1956 and 623 of 1956. The plaintiff in the two cases was the same, namely, Raje Vyankatrao son of Jagjiwanrao Deshmukh. The suit giving rise to Second Appeal No. 623 of 1956 was filed against Ratan son of Soba and related to Survey No. 17/1. The suit giving rise to Second Appeal No. 622 of 1956 was filed against Sitalprasad son of Siwanath and was in respect of Survey No. 23/7. The suits were for eviction, on the basis of title. In both the suits, the plaintiff alleged that the defendants had committed trespass in entering upon the respective lands in

suit. The defence set up by Ratan, as also by Sitalprasad, was the same, namely that each of them was a protected lessee. The lease on which reliance was placed by the two defendants was based on oral agreement alleged to have been entered into in the year 1952-53. The defendants also raised the contention that the civil Court had no jurisdiction to decide the issue relating to protected lease and issues Nos. 4 to 6 were accordingly framed which were common to both the suits. Both the Courts below came to the conclusion that the defendants failed to prove the oral lease set up on their behalf and consequently decreed the plaintiff's suit. It is against these judgments that, these two second appeals have been directed. It will at once appear that these appeals also raise the same question, namely, as to whether the civil Court had jurisdiction to decide the question of protected lease and as to whether it is necessary for the civil Court to refer the issues to the Revenue Officer.

5. On behalf of the appellants in these two appeals, reliance was placed on two decisions of this Court. First is a Full Bench decision reported in *Paika Dasaru v. Rajeshwar Balaji* (1957) 60 Bom. L.R. 8 : [1957] N. L. J. 381 and the second is a decision of a single Judge reported in *Devaji Limbaji v. Ganpatlal* (1937) 60 Bom. L.R. 629 : [1958] N.L.J. 344. It was held by the Full Bench in *Paika v. Rajeshwar* that in a suit between a landlord and a tenant when the defendant tenant puts forward the transaction on the strength of which he contends that he is a lessee and his lease is a protected lease u/s 3 of the Berar Regulation of Agricultural Leases Act, then it is the Revenue Officer -who must investigate into that transaction and determine the real nature of the transaction under the power conferred upon him by Section 16(2). It was also held that if an issue arises between the parties whether there was a transaction which resulted in one of the parties becoming a lessee and the lease is a lease which falls within the Act,, then that issue could only be tried by the Revenue Officer and not by the civil Court. It was also observed that it is not correct to say that the Revenue Officer can only determine whether there is a transaction of lease when there is an ambiguity but not otherwise if it is not ambiguous. The single Judge, in *Devaji's* case followed the view taken in the Full Bench case. It) is not, therefore, necessary to cite the ratio decidendi in that case.

6. Mr. Chendke and Mr. Natu have raised a somewhat novel contention. In order to appreciate the arguments advanced by them, it is necessary to refer first of all to the provisions of Section 16 and Section 16-A of the Berar Regulation of Agricultural Leases Act, 1951. Sub-section (I) of Section 16 runs thus:

Whenever any question arises whether any transaction between a landholder and a person claiming to be his lessee is a lease within the meaning of this Act, such question shall be decided by the Revenue Officer.

Sub-section (2) of Section 16 lays down that in deciding the question referred to in Sub-section (1), the Revenue Officer may ignore the provisions of Section 92 of the Indian Evidence Act, as also of Section 49 of the Indian Registration Act and also in any other law for the time being in force in arriving at a decision of

the question referred to in Sub-section (1). Sub-section (3) provides that the decision of the Revenue Officer shall be binding on the parties to the proceedings and the persons claiming through them. It would thus be seen that u/s 16 exclusive jurisdiction has been vested in the Revenue Officer for, deciding a question relating to any transaction being that of a lease.

7. Section 16A runs thus:-

Whenever any question as is referred to in section 16 arises before a Civil Court in any suit or proceeding, the Court shall, unless such question has already been determined by a Revenue Officer, refer the question to the Revenue Officer for decision and shall stay the suit or proceeding so far as it relates to the decision of such question." Sub-section (2) lays down that the civil Court shall accept the decision of the Revenue Officer on the question and decide the suit or proceeding before it accordingly. The provisions of Section 16-A are a logical corollary to the provisions of Section 16. Since the Revenue Officer is constituted into a Court of exclusive jurisdiction whenever any question arises which properly lies within the ambit of the jurisdiction of the Revenue Officer, the Civil Court must refer that question for decision to the competent authority. The arguments advanced by Mr. Chendke and Mr. Natu centred round the meaning of the expression "Revenue Officer" used in Sections 16 and 16-A. The expression "Revenue Officer" has been defined by Section 20) of the said Act in the following terms:

"Revenue Officer" in any provision of this Act means such Revenue Officer appointed under the Berar Land Revenue Code, 1928, as the State Government may, by notification, direct to discharge the functions of a Revenue Officer under that provision;

The State Government has issued certain notifications in that respect and these notifications have been quoted at page 3 of the Hand Book issued by the Government, "The Berar Regulation of Agricultural Leases Act, 1951 and the Rules made thereunder". The notification purports to have been issued under Clause (j) of Section 2 and runs thus:

The State Government are pleased to direct that the Revenue Officers specified in column (1) of the table below shall discharge the functions of Revenue Officers under the provisions of sections specified in the corresponding entries in column (2) thereof:--

Table Revenue Officers Sections (1) (2) Deputy Commissioners and ... 4(2) and (4); 8(1), Sub-Divisional Officers. (2) and (3); 9(3), (4) and (6); 10(2), (3), (5) and (6); 11(1) and (2); 14; 19(1), (2) and (3). Deputy Commissioners. ... 15(1), and (5).

8. Mr. Chendke contended that unless the Revenue Officer, who is appointed under the provisions of the Berar Land Revenue Code, is specifically empowered by the State Government to discharge the various functions laid down in the provisions of the Act, he would have no authority to discharge any such

functions. He pointed out that there is no notification as to which of the Revenue Officers is to discharge the functions laid down in Section 10 and Section 16-A of the Act. In that connection he also referred to certain provisions of the Berar Land Revenue Code. Section 3 provides:

There shall be the following classes of Revenue Officers:-

- (1) [Repealed]
- (2) Deputy Commissioners;
- (3) Assistant Commissioners of the first and second grade;
- (4) Tahsildars;
- (5) Naib-Tahsildars.

The term "Assistant Commissioner" includes "Extra-Assistant Commissioner".

9. Mr. Chendke's argument is that there is not one class of Revenue Officers but there are classes of Revenue Officers and, in fact, there is a hierarchy of Revenue Officers beginning from the Deputy Commissioners and ending with Naib-Tahsildars. He, therefore, contended that the notification must make it clear as to which of these Revenue Officers the particular function has been entrusted, and since there is no notification vesting the powers u/s 16 and Section 16-A in any particular Revenue Officer, the provisions of Section 16 and Section 16-A are rendered nugatory and futile, and since there is no proper Revenue Officer appointed under the notification to discharge the functions under Sections 16 and 16-A the civil Court will continue to have its jurisdiction in deciding the question as to whether a particular person is a lessee or a protected lessee.

10. There are great difficulties in accepting the view urged before me by Mr. Chendke. In the first place, the wording of Section 2(j) is not free from obscurity. According to Mr. Chendke, the last words under that provision refer to a particular provision of the Berar Regulation of Agricultural Leases Act, 1951. On the other hand, Mr. Kherdekar drew a sharp distinction between the words used in the first part of the definition "this Act" and the words used in the end part of the same section "that provision" and contended that the expression "that provision" must relate to the Berar Land Revenue Code. In this connection, my attention was invited by Mr. Chendke to the definition of "Revenue Officer" in the Madhya Pradesh Land Revenue Code. Section 2(14) of the Madhya Pradesh Land Revenue Code defines "Revenue Officer" in the following way:

"Revenue Officer" in any provision of this Code means such Revenue Officer as the State Government may, by notification, direct to discharge the function of a Revenue Officer under that provision;

Mr. Chendke laid stress upon the words "that provision" and pointed out that from the context it is obvious that those words relate to the Madhya Pradesh Land Revenue Code itself and not to some other provision. According to Mr.

Chendke, the word "that" has been used with a view to emphasise a particular provision of the Act under which powers have been given to particular officers. There is considerable force in this line of reasoning. At the same time, the two sets of words, namely, "this Code" and "that provision" used in Section 2(74) of the Madhya Pradesh Land Revenue Code, do not present much difficulty in the matter of interpretation because reference is made to one Code, namely, the Madhya Pradesh Land Revenue Code. On the other hand, in Section 2(j) of the Berar Regulation of Agricultural Leases Act, reference is made to two distinct enactments. It is somewhat misleading to use the same phrase, namely, "that provision" in such a context. I confess to a feeling of diffidence in interpreting the provisions of Section 20) of the Berar Regulation of Agricultural Leases Act. The interpretation pressed before me by Mr. Kherdekar also has a good deal of substance. In my view, however, it is not necessary to express any view on that point since the question can be decided on general principles under the provisions of the Berar Land Revenue Code. Section 2(70) of the Berar Land Revenue Code defines a Revenue Officer to mean an officer declared to be a Revenue Officer by this law and any other officer whom the Provincial Government may, for any of the purposes of this law, declare to be a Revenue Officer. It will thus be clear that this section contemplates two distinct kinds of Revenue Officers, (1) Revenue Officer appointed under the Act and (2) other officer whom the Provincial Government may for the purposes of this Act declare to be a Revenue Officer. Section 7 of the Berar Land Revenue Code is, in my opinion, the most important provision, for the purpose of this discussion. Section 7 runs thus:

The Provincial Government shall appoint in each district a Deputy Commissioner who shall exercise therein the powers and discharge the duties conferred and imposed on a Deputy Commissioner or a Collector by this law or by any enactment for the time being in force.

That means that, for each district, there shall be a Deputy Commissioner, who by virtue of his office is entitled to exercise and discharge the duties conferred upon him by the Land Revenue Code or by any other enactment for the time being in force.

11. Section 8 relates to the appointment of Assistant Commissioners and Section 9 relates to the appointment of Tahsildars and Naib-Tahsildars. Sections 8 and 9 are enabling provisions and empower the Government to make appointments of the Assistant Commissioners, Tahsildars and Naib-Tahsildars. No obligation is cast upon the Provincial Government to appoint Assistant Commissioners, Tahsildars and Naib-Tahsildars. At the same time, the Government is under a statutory obligation cast by Section 7 to appoint a Deputy Commissioner for each district and the Deputy Commissioner shall discharge all the functions laid upon him by the Act, as also by any other enactment for the time being in force. In other words, there shall be a Deputy Commissioner for each district and he will be, in that sense, a Revenue Officer par excellence. There may be Assistant

Commissioners or there may not be Assistant Commissioners. There may be Tahsildars or Naib-Tahsildars or there may not be Tahsildars or Naib-Tahsildars. But, at all times, there must be a Deputy Commissioner. There is, therefore, in every district a Revenue Officer who is the key-stone to the arch of the revenue administration, and this officer i.e. Deputy Commissioner shall exercise not only the powers conferred on him by the Berar Land Revenue Code but also by any other enactment for the time being in force. In this background if we examine the arguments advanced by Mr. Chendke the fallacy underlying the same will become easily clear. What Mr. Chendke contends for is that the provisions of Sections 16 and 16-A must fail because there is no Revenue Officer who can discharge the functions laid down by Sections 16 and 16-A. It is somewhat interesting to note that Section 16 speaks of the "Revenue Officer". The wording of the last clause is "such question shall be decided by the Revenue Officer". If there is no other Revenue Officer, such as, for instance, Assistant Collectors, Sub-Divisional Officers, Tahsildars or Naib-Tahsildars, still there will be the Deputy Commissioner and the Deputy Commissioner can certainly exercise the powers u/s 16. In my view, the object of Section 2(j) of the Berar Regulation of Agricultural Leases Act in referring to the powers of the Government to issue a notification is to appoint different officers to discharge different functions. In other words, the object of the notification is to delegate the powers or to distribute the powers which are centred into the hands of the Deputy Commissioner to different functionaries. Supposing no notification has been issued, the only result will be that there is no stratification of Revenue Officers and there is only one Revenue Officer under the Berar Land Revenue Code, namely, the Collector, and he will be entitled to exercise the powers of a Revenue Officer under the various provisions of the Act. Distribution of these powers can take place only if the Government is pleased to issue a notification designating a particular officer to discharge a particular function under a particular section of the Act. Government probably did not want the function u/s 16 to be discharged by the Subordinate Revenue Officers and that maybe reason why the State Government was not pleased to issue any notification designating any particular Revenue Officer as the Revenue Officer empowered to-discharge the functions under Sections 16 and 16-A of the Berar Regulation of Agricultural Leases Act. Now the Sub-Divisional Officers or the Assistant Collectors, enjoy the same powers as those of the Deputy Commissioners and they can discharge the same functions as the Deputy Commissioner.

12. This question can also be considered from another point of view. The notifications that have so far been issued by the State Government designated only two kinds of Revenue Officers as having been empowered to discharge particular functions under the provisions. of Sections 4, 8, 9, 10, 1.1, 14 and 15. The powers u/s 15 are exclusively vested in the Deputy Commissioners, whereas the powers under Sections 4, 8, 9, 10, 11, and 14 can be discharged by the Deputy Commissioners as also by the Sub-Divisional Officers. In other words, the powers of the Sub-Divisional Officers are coeval or concurrent with the powers of

the Deputy Commissioners. No powers under the Act have been conferred upon a Revenue Officer of the lower grade, such as, Tahsildars or Naib-Tahsildars. If we examine the provisions of Sections 4, 8, 9, 10, 11 and 14 we will notice that these sections have reference to the question of protected lease in one form or the other. For instance, Section 4 confers power upon the Revenue Officer for deciding the questions as to whether a lessee, who claims to be a protected lessee, is in possession of the area of land exceeding fifty acres in which case it is open to the Revenue Officer to disentitle him from the status of a protected lessee. Section 8 relates to the termination of the lease of a protected lessee. Section 9 also relates to the termination of tenancy by the landlord in certain circumstances. Section 11 relates to commutation and Section 19 relates to the ejectment of a protected lessee. Directly or indirectly the question of a protected lessee is involved in the application of these provisions and notifications have been issued empowering the Deputy Commissioners and the Sub-Divisional Officers to discharge these functions. By implication, therefore, it can be said that the power of determining the question of a protected lease can be discharged by the same functionaries.

13. In this connection, reference was made to Act No. XIV of 1956, called as "The Berar Regulation of Agricultural Leases (Validation of Decisions) Act, 1956." The preamble to that Act sets out the object for which that legislation was undertaken. The preamble runs thus:

Whereas certain Revenue Officers in Berar have decided cases arising under the provisions of the Berar Regulation of Agricultural Leases Act, 1951, without being authorised in that behalf, and whereas appeals against the decisions in some of the said cases have also been entertained and decided by the appellate authorities concerned;

And whereas doubts have arisen regarding the validity of the said decisions;

And whereas with a view to prevent hardship to the parties concerned, it is expedient to declare that the said decisions shall be and shall always be deemed to have been valid;" Section 3 is the principal section which runs thus:

Notwithstanding that-

(i) an Assistant Commissioner of the first grade in the Amravati district has entertained and decided cases arising under certain provisions of the Act without being directed by a notification under clause (j) of section 2 thereof to discharge the functions of a Revenue Officer under those provisions; and

(ii) a Sub-Divisional Officer in the Buldana district has entertained and decided cases arising under the provisions of the Act from another sub-division, every case so entertained and decided before the commencement of this Act and every appeal from any such case entertained and decided by the appellate authority concerned before such commencement shall be and shall always be deemed to have been validly entertained and any decision given in any such case or appeal

shall not be called into question in any Court or before any other authority merely on the ground that the Assistant Commissioner or the Sub-Divisional Officer concerned, as the case may be, was not legally authorised to entertain and decide the case in question.

14. Mr. Natu contended that these provisions make it clear that the Legislature was alive to the fact that the notifications were not issued although they were required by the provisions of Section 2(j) of the Berar Regulation of Agricultural Leases Act, 1951. In substance, his argument was that the legislation amounts to a confession of a lapse or failure on their part, I am unable to accept this line of reasoning. In interpreting the words of a statute, the Court is not guided by a subsequent legislation. The subsequent legislation may be aimed at removing certain doubts and issuing clarification or it may be in the nature of a legislation which "ds devised on grounds of abundant caution. The preamble has itself made it clear that the object of the legislation was to remove certain doubts regarding the validity of the said decisions and to prevent hardship to the parties concerned. If legislation was undertaken with that object in view, it is hardly open to contend that the very fact that the subsequent legislation was thought necessary is proof positive of the correctness of the interpretation that is sought to be advanced before the Court. On the other hand, it may be pointed out that although the powers u/s 16 were challenged in a number of cases before the High Court and one of these cases was referred eventually to the Full Bench, the question that is now urged before me was not urged at any time before. I was told at the Bar that hundreds of decisions have been given u/s 16 by the Sub-Divisional Officers and none of them was called into question before the High Court on the ground on which they are now challenged before me. If the argument was really based on sound considerations, I have no doubt in my mind that that would have been urged before, or at any rate before the Full Bench. I may invoke, in this connection, the observation made by the Privy Council in 28 CWN 253 (Privy Council) :

...when a series of cases...the parties being represented by eminent counsel, is decided in one way, and if an evident plea had been taken and upheld the decisions would have been the other way, there arises an irresistible conclusion that the plea was not taken because it was felt to be bad.

The belated awakening of the intelligence in this respect can well be off-set against the legislation that was subsequently undertaken by the Legislature for the purpose of removing doubts.

15. I was then referred to a decision given by my learned brother Mr. Justice Chitale in Pralhad v. Jaiendra. (1961) Civil Revision Application No. 161 of 1961, decided by Chitale J., on April 26. 19, 1901 (Unrep.) In that case, the main question was whether the Court had power u/s 15.1 of the CPC to revise its own order passed previously. It appears that, in that case, the Court had referred certain issues to the Revenue Officer u/s 16 of the Berar Regulation of Agricultural Leases Act and later on at the instance of the aggrieved party had

proceeded to cancel its own order. The power of the Court or the jurisdiction of the Court to do so was challenged in revision, Mr. Padhye, who appeared for the applicant, had to face the argument that is advanced before me and it appears that the only reply that he could give was that he would try to find out whether any notifications have been issued by the Government in that respect. Later on, he conceded that no further notifications were issued by the Government empowering the Revenue Officers to decide the issues under Sections 16 and 16-A. It appears to me, therefore, that the question was hardly argued by Mr. Padhye on its own merits and more or less he appears to have conceded the position and for that purpose he asked for some time to go through the notifications to find out as to whether there was any specific notification issued in that respect. The only observation that has been made by the learned Judge in that connection is this:

But there is a further difficulty in the way of the applicant, viz. although even under the Berar Regulation of Agricultural Leases Act, 1951 the abovesaid questions could be referred to a revenue officer, unfortunately no notification was issued by Government appointing a revenue officer to determine the questions contemplated by section 16-A. Mr. Padhye is unable to point out to me any such notification, although he was given time to find out whether there was any such notification.

The manner in which this question has been disposed of by the learned Judge clearly indicates that the point was not strenuously urged before him by Mr. Padhye and was virtually conceded. I would have been loath to differ from the view taken by my learned brother in ordinary circumstances. But, in view of the importance attached to the question and in view of the long lapse of time when this question has been raised for the first time and further in view of the fact that my learned brother had no opportunity to pronounce a considered judgment on this point, I do not think it is necessary for me to refer the case to a Division Bench for deciding this question. That is why I have undertaken a thorough (examination of the question and expressed a considered opinion in that respect.

16. In the view that I have taken of the interpretation of Section 2(j) and Sections 16 and 16-A of the Berar Regulation of Agricultural Leases Act, 1951, it is not necessary to consider the authorities that were cited before me by Mr. Chendke reported in *Sat Narain v. Hanuman Parshad* A.I.R [1940] Lab. 85 and *Krishna Chandra Vs. Panchu Ghosh and Others*, wherein it has been held that if a special tribunal is contemplated by the legislation but no tribunal has been set up, the mere fact that the legislation has been passed, will not oust the jurisdiction of the ordinary civil Court.

17. I, therefore, hold that there is a Revenue Officer who has authority to decide the questions under Sections 16 and 16-A of the Berar Regulation of Agricultural Leases Act, 1951, and there is no question of the provisions of Sections 16 and 16-A falling through by reason of a Revenue Officer contemplated therein not having been appointed.

18. The result, therefore, is that these appeals succeed. It is hereby directed that the following issues will be referred to the Revenue Officer in the three cases, namely, Second Appeal Nos. 494 of 1956, 622 of 1956 and 623 of 1956, respectively:

(1). Are defendants Nos. 2 and 4 protected lessees in respect of Survey No. 43 of Ilirur?

(2). Is the defendant a protected lessee in respect of Survey No. 17/1 of Darati ?

(3). Is the defendant a protected lessee in respect of Survey No. 23/7 of Darati ?

The Revenue Officer may remit his findings to this Court. The appeals may be put up for hearing after the findings of the final Court are received. No order as to costs for the time being. Appeals allowed.