

(1955) 01 AP CK 0010
In the Andhra Pradesh High Court
Case No : Writ Petition No. 802 of 1953

V. Tirupathirayudu and Another	Vs	APPELLANT
M. Venkatacharyulu and Another		RESPONDENT

Date of Decision : 31-01-1955

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : AIR 1955 AP 240

Hon'ble Judges : Satyanarayana Raju, J

Bench : Single Bench

Advocate : K. Raghavarao, for P. Srikantam and C. Vedagiri Rama Sastry, for the Appellant; D.V. Reddi Pantulu, for M. Seshachalapati, Govt. Pleader, M. Srinivasachari and K. Amareswari, for the Respondent

Judgement

(1) This is a petition for the issue of a Writ of Certiorari calling for the records in A. S. No. 300 of 1950 on the file of the Estates Abolition Tribunal, Vizinagaram, and to quash the order therein.

(2) The Inam Settlement Officer, Vijiawada, acting under S. 9 of Madras Act 26 of 1948 took action suo motu for determining whether Vaddimukkala Agraharam in Bapatla Taluk of Guntur District is "an Inam Estate", as defined in S. 2 (7), Madras Estates Abolition Act. On a consideration of the material evidence before him the Inam Settlement Officer came to the conclusion that the Agraharam became an "Estate" only by virtue of Act 18 of 1936 and that it is not an Inam Estate within the meaning of S. 2 (7), Madras Estates Abolition Act.

(3) Against this order, the ryots preferred an appeal to the Estates Abolition Tribunal, Vizinagaram. The Tribunal held that no one portion of the village is an "estate" within the meaning of S. 3 (2) (d) of Madras Act 1 of 1908 and much less an "Inam Estate" within the meaning of S. 2 (7) of Act 26 of 1948. The reasons which weighed with the Abolition Tribunal in reaching this conclusion were that the main grant was confirmed under T. D. No. 931 and the grants of other Inams were confirmed under separate title-deeds bearing T. D. Nos. 932,

934, 933 and 935 and that therefore the agharam is not an Inam Estate within the meaning of S. 2 (7). The ryots have filed this writ petitioner to quash the Order of the Tribunal passed in appeal.

(4) In -- Thota Seshayya and Others Vs. Madabhushi Vedanta Narasimhacharyulu, on the file of the Madras High Court, Subba Rao J. (as be then was) and Panchapakesh Ayyar J. considered the question as to whether the sell - same Vaddimukkala Agharam is an estate before the Madras Estates Land Third Amendment Act (18 of 1936). In their judgment dated 6.5.1954, the learned Judges, on a very exhaustive review of all the material documents, held that the lands in the Agharam were not ryoti lands before the "Third Amendment Act, 1936. They observed as follows :

"Vaddimukkala Agharam wherein these lands are situated, was only an inam village, not falling within the definition of an "Estate" till the Third Amendment to the Estate Land Act was passed in 1936."

(5) The learned Judges further held that the oral and documentary evidence on record showed that both the warams were granted to the Agharamdars and not merely the melwaram and that they had no doubt whatever that the lands in Vaddimukkala Agharam became ryoti lands in an "estate" only by virtue of the Third Amendment Act, 1936.

(6) Following this decision by a Bench of the Madras High Court, which has determined the tenure of Vaddimukkala Agharam, which is also the subject-matter for decision in this writ, I hold that the Agharam is not an "Inam Estate" within the meaning of S. 2 (7), Madras Estates Abolition Act. If so, the provisions of the Madras Estates Abolition Act do not apply to the Agharam.

(7) It is true that this decision of the Bench was not before the Estates Abolition Tribunal when they delivered judgment in A. S. No. 300 of 1950. But Courts can and should take note of subsequent events. This judgment of the Bench of the Madras High Court, apart from its being entitled to great weight, also confirms the view taken by the Estates Abolition Tribunal.

(8) Tribunals acting under the provisions of the Madras Estates Abolition Act should, and are bound to follow the decisions of the High Court, especially when those decisions determine the tenure of the very village which the Tribunal has to deal with.

(9) The Tribunals are subject not only to the administrative but also the judicial control of the High Court under Art. 227 of the Constitution of India and they are bound by the decisions of the High Court.

(10) The Tribunal held that the village is not an estate by reason of the fact that there were separate title-deeds issued in respect of the main Inam grant and the other inams evidently having in mind the decision of the Madras High Court in -- K. Somasundaram and Others Vs. The State of Madras and Others, . A later Full Bench decision of the Madras High Court in -- Mantravadi Bhavanarayana and

Another Vs. Merugu Venkatadu and Others, , took a contrary view.

But having regard to the decision of the Bench above referred to, the decision of the Tribunal must be held to be correct, even though the reasoning by which it arrived at that decision is not correct.

(11) This writ petition is therefore, \ dismissed with costs. Advocate's fee Rs. 100/-.

(12) Petition dismissed