

**(2008) 06 AP CK 0058**  
**In the Andhra Pradesh High Court**  
**Case No : C.R.P. No. 5472 of 2003**

Y. Mallapa and Another

APPELLANT

Vs

Land Ceilings Tribunal and Others

RESPONDENT

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**Date of Decision :** 20-06-2008

**Acts Referred:**

Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 — Section 10(1), 10(2), 10(5), 21  
Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 — Rule 6(1)  
Constitution of India, 1950 — Article 226, 227

**Citation :** (2008) 5 ALD 503 : (2008) 6 ALT 316

**Hon'ble Judges :** P.S. Narayana, J

**Bench :** Single Bench

**Advocate :** B. Rama Krishna, for the Appellant; Government Pleder for Arbitration, for the Respondent

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## Judgement

P.S. Narayana, J.—Heard Sri Gangaiah Naidu, the learned Senior Counsel representing the revision petitioner and the learned A.G.P. for Arbitration representing respondents.

2. The civil revision petition is filed u/s 21 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (hereinafter in short referred to as "the Act" for the purpose of convenience) as against an order - notice dated 30.9.2003 OP the file of the Land Reforms Tribunal, Adoni. The said order reads as hereunder:

FORM-VI

See Rule 6(1)

In the Office of the Land Reforms Tribunal, Adoni

C.C.No. 2258/Adn/75 Date: 30.9.2003

To

Smt. Shivaleelamma, W/o. Yale Mallappa, 17/43, Madhavaram Road, Adoni (By R.P.A.D)

Under Rule 6(1) of the Andhra Pradesh Land Reforms (Ceiling of Agricultural Holdings) Act, 1975 you have been as to surrender an extent of the land equivalent to 548.23 acres, is determined as held by your late husband in excess of the ceiling area which you are liable to surrender u/s 10(1) of the Act.

You are hereby required under Sub-section (2) of Section 10 of the said Act to file on or before 15.8.2003 a true and correct statement showing the location, description and other particulars of the land (as in the Form appended to this notice) which you propose to surrender, though the notice was received by you, you have requested time for three months on 21.8.2003. You are hereby requested to submit your surrender statement by 5.10.2003.

Your particular attention is drawn to Sub-section (5) and Explanation 1 of Section 10 of the said Act in regard to the surrender of the lands held by your husband in excess.

(By Order of the Tribunal)

The learned Senior Counsel had taken this Court through the contents of the order impugned in the C.R.P. and would maintain that the impugned notice is totally unsustainable as per Section 10(2) of the Act and the learned Senior Counsel also would maintain that the husband of the petitioner while he was alive litigated the matter and he died in the year 1992 and before his death, the entire land shown was either occupied by encroachers or sold out by him and no land is available for surrender and absolutely there is no justification in issuing the impugned notice after a lapse of 22 years from the date of disposal of C.R.P. No. 2048/80 and hence, in the light of the same, the civil revision petition to be allowed.

3. On the contrary, the learned A.G.P. for Arbitration would maintain that the present C.R.P. cannot be maintained u/s 21 of the Act for the reason that an application for revision from any party aggrieved including the Government shall lie to the High Court from any order passed on appeal by the Appellate Tribunal on the grounds specified and not otherwise. No doubt, incidentally the learned A.G.P. for Arbitration also made certain submissions touching the merits of the matter.

4. Section 21 of the Act dealing with revision reads as hereunder:

An application for revision from any party aggrieved, including the Government, shall lie to the High Court, within the prescribed period, from any order passed on appeal by the Appellate Tribunal on any of the following grounds, namely:

(a) that it exercised a jurisdiction not vested in it by law, or

(b) that it failed to exercise a jurisdiction so vested, or

(c) that it acted in the exercise of its jurisdiction illegally or with material irregularity.

Under this section, a revision lies to the High Court against the decision of the Appellate Tribunal, but the privilege of filing a revision is greatly restricted in the sense that revision can be sought on the following three grounds alone.

(a) when the Appellate Tribunal exercises jurisdiction not vested by any law.

(b) that it failed to exercise the jurisdiction,

(c) that it acted illegally or with material irregularity. That means no revision lies on the grounds of the appreciation of the facts and the evidence used by the Tribunal or the Appellate Tribunal.

5. The order impugned dated 30.9.2003 was made by the Revenue Divisional Officer, Adoni i.e., the Office of the Land Reforms Tribunal, Adoni. The contents of the order already had been specified above. It is needless to say that the petitioners are entitled to the remedy either by way of appeal or to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Definitely, this civil revision petition as against such notice is a misconceived remedy since the civil revision petition is not maintainable in the light of the clear language of the provision referred to above. It is no doubt true that this civil revision petition appears to have been filed under Article 227 of the Constitution of India initially, but however the same had been changed as can be seen from the cause title. This Court is not inclined to express any opinion relating to the said aspect. However, liberty is given to the petitioners to challenge the same by appropriate proceedings.

6. On 28.10.2003 in CMP No. 24439/2003 interim suspension was granted as prayed for. In the light of the same, the said interim order to be operative for a period of four weeks from the date of receipt of this order. With the above observation, the civil revision petition is disposed of. No costs.