

Gaddam Ramulu . vs Joint Collector And Ors. on 27 February, 2019

Author: Abhay Manohar Sapre

Bench: Dinesh Maheshwari, Abhay Manohar Sapre

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.8366-8367 OF 2010

Gaddam Ramulu & Anr.

...Appellant(s)

VERSUS

Joint Collector, Adilabad
District & Ors.

...Respondent(s)

JUDGMENT

Abhay Manohar Sapre, J.

1. These appeals are directed against the final judgment and order dated 21.02.2007 passed by the High Court of Judicature, Andhra Pradesh at Hyderabad in Civil Revision Petition No.1442 of 2004 and judgment and order dated 29.01.2008 in Review CMP No.4647 of 2007 whereby the High Court dismissed the civil revision petition and the review petition filed by the appellants herein.

2. A few relevant facts need mention infra for disposal of these appeals.

3. The dispute relates to a land measuring Ac.13.02 guntas in Survey No.92, Ac.1.02 guntas in Survey No. 93 and 28 guntas in Survey No. 95 situated in Garmilla Village, Mancherial Adilabad (hereinafter referred to as “the suit land”).

4. One Mr. Gaddam Durgaiiah held the suit land as a protected tenant under the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as “the Act”) on certain conditions. On his death, his sons (appellants herein) inherited the suit land. It was, however, noticed that the appellants, contrary to the purpose for which the suit land was allotted to them i.e. cultivation, transferred it to several persons who made construction thereon.

5. A show cause notice was, therefore, served on the appellants (protected tenants) under Section 19 of the Act as to why the allotment of the suit land made in their favour be not cancelled. Since the appellants failed to file any reply, the rights conferred on them being the protected tenants under the Act were cancelled by the Mandal Revenue Officer vide order dated 06.10.1990.

6. The appellants felt aggrieved and filed an appeal before the Joint Collector, Adilabad. By order dated 20.06.1998, the Joint Collector dismissed the appeal and held as under:

“An examination of lower court records reveal that the appellant was issued a show cause notice u/s 19 of the AP (T.A) Tenancy and Agril. Land Act, 1950 and got served on 26.9.90 for giving his explanation for the alienation of P.T. land in S.No. 92 to an extent of (6□28) acres to Sri Nelli Ramlo S/o Buchanna through an ordinary sale deed on 20.1.1954, Sri Nalli Ramloo in turn has sold away the land to an extent of (5□10) acres to the president Forest Association, Mancherial on 16.3.1969. The President Forest Association Mancherial has donated the area of (5□0) acres and an extent of (0□32) gts to the Z.P., High School, Mancherial for play ground and the land in question at present being used as play ground. The question of having possession by the appellants is baseless. Thus the P.T. & L.Rs. of PT have alienated the land to others and contraversed the provisos of section 48□A and 40 of the AP (TA) Tenancy and Agril. Lands Act 1950. For the violation of condition by the L.Rs. of P.T. the Mandal Revenue Officer, Mancherial has cancelled the P.T. rights of the P.T. vide MRO, Proc.No. A/2148/90 dt. 6.10.90, L.Rs.

of the protected tenant not all cultivated the land as they have also sold the land to Sri Thoutam Veeramallu and to others. The L.Rs. of P.T. have violated the condition (19) of the AP(TA) Tenancy & Agricultural lands Act. 1950.

In view of the above, I do not find reason to interfere with the orders of the Mandal Revenue Officer, Mancherial order dated 6.10.90 and the appeal is dismissed.”

7. The appellants felt aggrieved by the order dated 20.06.1998 and filed a revision petition in the High Court. By impugned order, the High Court dismissed the revision petition and review petition also, which has given rise to filing of the present appeals by way of special leave by the appellants in this Court.

8. So, the short question, which arises for consideration in these appeals, is whether the High Court was right in dismissing the revision petition and the review petition and upholding the orders impugned therein.

9. Heard learned counsel for the parties.

10. Having heard the learned counsel for the parties and on perusal of the record of the case including the written submissions filed by the parties, we find no merit in these appeals.

11. In our considered opinion, the order passed by Mandal Revenue Officer, Joint Collector as an Appellate Court and lastly, the High Court in its revisionary jurisdiction rightly dealt with the issue arising in the case against the appellants in relation to the suit land.

12. All the three Courts held and, in our view, rightly that a clear case of violation of terms of grant and the provisions of Section 19 read with Sections 40 and 48A of the Act has been made out against the appellants. It was held that the appellants instead of cultivating the suit land transferred it to several persons for other purpose which was against the grant and the provisions of the Act. The appellants, however, failed to prove otherwise despite affording them an opportunity to file reply.

13. In our view, a clear case of contravention of terms of grant read with Sections 19, 40 and 48A of the Act is made out against the appellants. We find no good ground to take any other view than the one taken by the Courts below on the facts found proved.

14. On perusal of the written submissions also, we are unable to notice any point worth taking note of to disturb the concurrent findings of fact recorded by the three Courts below.

15. In view of the aforesaid discussion, the appeals have no merit. They are accordingly dismissed.

.....J. [ABHAY MANOHAR SAPRE]J. [DINESH
MAHESHWARI] New Delhi;

February 27, 2019