(2011) 09 AP CK 0014

Andhra Pradesh High Court

Case No: Civil Revision Petition No''s. 4769 and 4771 of 2010

Vippagunta Ranga Rao and others		APPELLANT
	Vs	
The Special Tahsildar, Prakasam and others		RESPONDENT

Date of Decision: Sept. 19, 2011

Citation: (2012) 1 ALT 313

Hon'ble Judges: L. Narasimha Reddy, J

Bench: Single Bench

Advocate: P.R. Prasad and Sri Y. Rama Rao, for the Appellant;

Final Decision: Allowed

Judgement

L. Narasimha Reddy

1. These two revisions are connected with each other. Hence, they are disposed of through a common judgment. The matter arises under the A.P. Land Reforms (Ceiling on Agricultural) Holdings Act, 1973 (for short ''the Act'').

2. The brief facts that gave rise to the filing of revisions are as under.

3. Vippaguntla Rangaiah held fairly large extent of land in Bodawada Village of Prakasam District. He had two sons, by name Venkata Narsaiah and Veeranjeneyulu. The property was divided between those two branches. Venkata Narsaiah had a son, by name Ranga Rao, and he married Krishnavenamma. Veeranjeneyulu had two sons, by name Ram Mohan Rao and Ranga Rao. By the time the Act came into force, Venkata Narsaiah died and his wife, Ammanamma, filed a declaration before the Land Reforms Tribunal, Kandukur (for short ''the Tribunal''), which was numbered as C.C. No. 2205 of 1975. Their son -Ranga Rao filed a separate declaration, numbered as C.C. No. 2206 of 1975. Veeranjeneyulu, on the other hand, filed a declaration, which was numbered as C.C. No. 2191 of 1975 and his son -Ram Mohan Rao filed another declaration, which was numbered as C.C. No. 2192 of 1975.

4. The Tribunal passed a common order, dated 18.12.1978 in C.C.Nos. 2191 and 2192 of 1975, holding that the declarants therein, Veeranjeneyulu and Ram Mohan Rao, did not possess any land in excess of ceiling limit. The said order became final. C.C.Nos. 2205 of 1975 filed by Ammanamma and C.C. No. 2206 of 1975 filed by her son -Ranga Rao were dealt with together and it was held that the declarants therein held 9.5562 standard holdings, admeasuring 604 acres, in excess of ceiling limit. It is relevant to mention that as many as 8 items of property, that were computed to the holdings of the declarants in C.C.Nos. 2191 and 2192 of 1975, were included in the orders passed in C.C.Nos. 2205 and 2206 of 1975.

5. Agastya Veeranjeneyulu, brother of Ammanamma -declarant in C.C. No. 2205 of 1975, independently filed a declaration numbered as C.C. No. 2198 of 1975 and his three daughters filed declarations, numbered as C.C.Nos. 2195 to 2197 of 1975. The declarants therein pleaded that the land shown by them was gifted by Vippaguntla Venkata Narsaiah, husband of Ammanamma. That plea was not accepted.

6. The declarants in C.C.Nos. 2205 and 2206 of 1975 i.e. Amanamma and Ranga Rao filed L.R.A.Nos. 138 and 139 of 1978 before the Land Reforms Appellate Tribunal, Ongole. The declarants in C.C.Nos. 2195, 2196 and 2197 of 1975 have also filed L.R.A.Nos. 143, 276 and 277 of 1978. The said Land Reforms Appellate Tribunal allowed L.R.A.Nos. 138 and 139 of 1978 through order dated 03.06.1978, and remanded the matter to the Tribunal, for fresh consideration and disposal. The other three appeals, referred to above, were also allowed on 04.12.1978 and those matters were also remanded to the Tribunal.

7. After remand, the Tribunal passed order dated 21.11.2007 in C.C.Nos. 2205 and 2206 of 1975, holding that the declarants therein held 6.2552 standard holdings of land, equivalent to 393.45 acres, in excess of ceiling limits. As regards the declarants in C.C.Nos. 2195, 2196 and 2197 of 1978, it took the view that they hold no land, in excess of ceiling limits.

8. Vippaguntla Ranga Rao, declarant in C.C. No. 2206 of 1975, died during the pendency of the proceedings. His two daughters, by name Bhatraju Seshamma and Turlapati Rajeswari, the petitioners in C.R.P. No. 4769 of 2010 filed L.R.A. No. 1 of 2008, feeling aggrieved by the orders dated 21.11.2007, in C.C. No. 2206 of 1975. Vippaguntla Ram Mohan Rao and Ranga Rao, the sons of Veeranjeneyulu, petitioners in C.R.P. No. 4771 of 2010, filed L.R.A. No. 2 of 2008 against the same order i.e. the one in C.C. No. 2206 of 1975 on the ground that the lands that were computed to their holdings were declared excess by the Tribunal in C.C. No. 2206 of 1975. Through a common order dated 18.08.2010, the Land Reforms Appellate Tribunal dismissed the appeals. Hence, these two revisions.

9. Sri P.R. Prasad and Sri Y. Rama Rao, learned counsel for the petitioners, submit that a patent illegality crept into the proceedings, since the lands that were computed to the holding of the declarants in C.C.Nos. 2191 and 2192 of 1975 were

also added to the holdings of declarants in C.C. No. 2206 of 1975. They contend that two sets of declarations came to be filed by the branches of two sons of Veeranjeneyulu, and that at no point of time, one branch has laid claim upon the land held by the other. Learned counsel submits that the Tribunal dismissed the appeals on hyper-technical grounds stating that the petitioners in C.R.P. No. 4771 of 2010 did not raise any objection on earlier occasions. It is pleaded that there was no occasion for them, since they were not parties to C.C.Nos. 2205 and 2206 of 1975. Other grounds are also urged.

10. Learned Government Pleader for Arbitration, on the other hand, submits that the orders passed in C.C.Nos. 2191 and 2192 of 1975 have become final. He contends that the declarants in C.C.Nos. 2205 and 2206 of 1975 have shown various items of property in their declarations, and orders in accordance with law were passed, after giving opportunity to all the concerned parties. He submits that on an earlier occasion, the matter was remanded and the Tribunal has taken the claims of various persons into account, and passed the orders, dated 21.11.2007. Learned counsel further submits that the Appellate Tribunal had examined each and every issue raised before it and dealt with them, in detail.

11. Branches of sons of Vippaguntla Rangaiah constituted two different families, by the time the Act came into force. The elder son - Venkata Narsaiah was no more, and his wife, Ammanamma, and their son -Ranga Rao filed separate declarations, in C.C.Nos. 2205 and 2206 of 1975. Veeranjeneyulu, the other brother and his two sons -Ram Mohan Rao and Ranga Rao filed two declarations, numbered as C.C.Nos. 2191 and 2192 of 1975. While in the declarations filed by the branch of Venkata Narsaiah, the Tribunal took the view that substantial extent of land, namely, 6.2552 standard holdings is held in excess, no excess was found in the declarations filed by the other branch. Naturally, the appeals were preferred by the branch of Venkata Narsaiah alone. The brother and nieces of Ammanamma filed a set of declaration, in which part of the land once held by Venkata Narsaiah was also shown and they too held to be having land in excess of ceiling limits. As many as 5 appeals came to be filed before the Land Reforms Appellate Tribunal. All of them are allowed and the matters were remanded to the Tribunal.

12. After remand, the Tribunal found that no excess land is held by the brother and nieces of Ammanamma. However, it took the view that Ammanamma and her son, the declarants in C.C.Nos. 2205 and 2206 of 1975, hold land in excess, which however, was comparatively less than the one, found in the order passed by the Tribunal, in the first instance.

13. The branch of Veeranjeneyulu i.e. the petitioners in C.R.P. No. 4771 of 2010, did not feel any grievance about the orders passed in their respective declarations. Their grievance, however, was that the land computed to their holdings was shown as excess in the declaration filed by the branch of Venkata Narsaiah. Therefore, both the branches felt aggrieved by the orders passed by the Tribunal in C.C.Nos. 2205

and 2206 of 975, after remand.

14. The Appellate Tribunal took note of various contentions urged on behalf of the parties, and dealt with them separately. The specific plea raised by the sons of Veeranjeneyulu that the land computed to their holdings, was dealt with by the Appellate Tribunal in para 15 of its order. It reads:

I am of the opinion that the appellants in L.R.A. No. 2 of 2008 are not entitled to raise this objection in this appeal, as the scope of this appeal is very limited. In this appeal, we can consider whatever the contentions raised by declarant and not the new contentions that were raised by the appellants. If they are really aggrieved, they have to file a suit claiming the above said land against the Government. Thus, this ground is negatived.

15. The view taken by the Appellate Tribunal cannot be countenanced. In case the lands held by the third parties are either included in or computed to the holdings of a particular declarant, third parties are not supposed to be having knowledge of the same, unless notices were issued to them. An occasion would arise for them, only when steps are initiated for taking possession of their lands or when they come to know about the concerned proceedings. It is not in dispute that the lands in as many as 12 items were computed to the holding of the branch of Venkat Narsaiah, though those very items were computed to the holdings of branch of Veeranjeneyulu in C.C.Nos. 2191 and 2192 of 1975. It would be totally unjust, if not ridiculous, if the same land is computed to the holding of two separate declarants. If there is any dispute as between the parties, they must be required to resolve the same through the Court of law or at least the affected party must be put on notice.

16. The problem becomes acute, when one of such parties is held to be having lands within the ceiling limits, and the other, in excess of limits. The one, who is held to be having lands in excess of ceiling limits, may merrily chose to surrender the lands, which are computed to the holding of the other declarant. Such absurdity can never be permitted to happen. On this short ground, the orders passed by the Land Reforms Appellate Tribunal, are liable to be set aside.

17. This Court is of the view that the Land Reforms Tribunal did not have an occasion to address those questions because the declarants in C.C. Nos. 2191 and 2192 of 1975 were not before it, when it decided the matters after remand. Even now, such an exercise can be undertaken. However, in the name of examining the matter, after remand, the Tribunal cannot be permitted to reopen the orders that were passed in C.C.Nos. 2191 and 2192 of 1975.

18. Hence, the C.R.Ps. are allowed,

a) setting aside the order dated 18.08.2010, passed by the Land Reforms Appellate Tribunal, Ongole in L.R.A.Nos. 1 and 2 of 2008 and the order dated 21.11.2007 passed by the Land Reforms Tribunal, Kandukur, in C.C.Nos. 2205 and 2206 of 1975;

b) remanding the matter to the Land Reforms Tribunal, Kandukur, for fresh consideration and disposal, after giving opportunity to the petitioners herein; and

c) directing that the remand shall not enable or entitle the Land Reforms Tribunal to reopen the orders passed in C.C.Nos. 2291 and 2292 of 1975 or those, passed in C.C.Nos. 2195, 2196 and 2197 of 1975.

19. There shall be no order as to costs.