

(1996) 02 AP CK 0015

Andhra Pradesh High Court

Case No: Civil Revision Petition No. 1716 of 1993

N. Buchamma and Others

APPELLANT

Vs

Authorised Officer (Land
Reforms)

RESPONDENT

Date of Decision: Feb. 16, 1996

Acts Referred:

- Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 - Section 21, 9
- Hindu Succession Act, 1956 - Section 29A

Citation: (1996) 1 ALT 420 : (1996) 1 ALT 42

Hon'ble Judges: S.R. Nayak, J

Bench: Single Bench

Advocate: N.V. Ranganadham, for the Appellant; A.G., for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S.R. Nayak, J.

On two grounds this C.R.P. is liable to be dismissed. Few facts which are necessary to be noticed for the purpose of disposal of the Civil Revision Petition are the following: N. Munirama Naidu was a land holder and he held certain extent of land. The Andhra Pradesh State Legislature enacted the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 for short "the Act" and the said Act came into force with effect from 1-1-1975. After the Act came into force, Munirama Naidu filed declaration as required u/s 8 of the Act. The Land Reforms Tribunal passed the order on 10-9-1976 determining the excess land held by Munirama Naidu at 0.5296 SH. Munirama Naidu preferred the appeal to the Land Reforms Appellate Tribunal. The Land Reforms Appellate Tribunal, in the second round of litigation, after reappraisal of the materials placed before it, determined the excess land held by

Munirama Naidu at 0.3166 Sh. by its order dated 29-6-1979. The declarant preferred a Civil Revision Petition No. 4085/79 to this Court questioning the validity and correctness of the determination made by the authorities under the Act, and the same was dismissed by this Court on 18-3-1980. Therefore, the determination made by the Land Reforms Appellate Tribunal became final. Munirama Naidu died on 9-2-1982. It is stated across the bar that after this Court disposed of C.R.P. No. 4085/79 on 18-3-1980, the Land Reforms Tribunal initiated action u/s 10 of the Act calling upon the legal representatives of the deceased Munirama Naidu to surrender the excess land. At that stage, the Andhra Pradesh Legislature by Amendment Act 13 of 1986 inserted a new Chapter II-A in the Hindu Succession Act, 1956 and the same was published in the Andhra Pradesh Gazette on 5-9-1985. In other words, the provisions of Chapter II-A came into force with effect from 5-9-1985. After this Amendment Act came into force, the legal representatives of Munirama Naidu including the petitioner No. 6 in this revision petition, namely, Y. Kavamma, it seems, raised an objection to the determination earlier made by the Land Reforms Appellate Tribunal by contending that by virtue of Section 29-A of the Hindu Succession Act, 1956, Y. Kavamma, being an unmarried daughter of the deceased Munirama Naidu was also entitled to a separate Standard Holding out of the properties held by Munirama Naidu and there fore seeking review of the earlier order made by the Land Reforms Appellate Tribunal determining the excess land held by the deceased Munirama Naidu. The said objection raised by the legal representatives of Munirama Naidu was over-ruled by the Land Reforms Tribunal. The matter was carried by the legal representatives to the Land Reforms Appellate Tribunal, Chittoor. The Land Reforms Appellate Tribunal also rejected the appeal. Hence this revision by the legal representatives of Munirama Naidu.

2. When this matter was heard on the last occasion the Court; thought it necessary to hear the learned Advocate General and accordingly a notice was issued to him and the learned Advocate General appeared and assisted the Court.

3. The determination of the excess land held by the deceased Munirama Naidu at 0.3166 SH became final with the dismissal of C.R.P. No. 4085/79 by this Court on 18-3-1980. The legal representatives of the deceased Munirama Naidu, in real terms, seek review of the order of the Land Reforms Appellate Tribunal dated 29-6-1979. The learned Counsel appearing for the revision petitioners is not in a position to point out to the Court as to how the legal representatives of the deceased Munirama Naidu could seek review of the order of the Land Reforms Appellate Tribunal dated 29-6-1979 in the absence of any provision under the Act providing for review. It is relevant to note that there is no provision under the Act or in the Rules framed under the Act providing for review of an order made by the authorities under the Land Reforms Act which has attained finality. Rule 16(5) (b) of the Andhra Pradesh Land Reforms Rules, 1974 provides for correction of any clerical or arithmetical mistakes in judgments or errors arising therein from any accidental slip or omission. It is not the argument of the learned senior Counsel for the revision

petitioners that the revision petitioners are seeking relief under Rule 16(5) of the Rules. It is settled position in law by a series of decisions of the Apex Court and the High Courts that an Authority or a Tribunal functioning under a statute cannot review its own order unless such a power of review is specifically conferred upon them by a specific provision of the statute concerned. In that view of the matter the present claim of the revision petitioners seeking review of the order of the Land Reforms Appellate Tribunal dated 29-6-1979 is totally incompetent and the Land Reforms Tribunal has no jurisdiction. Secondly, assuming that it has power to review its own order, nevertheless, it cannot review the order dated 29-6-1979 made by the Land Reforms Appellate Tribunal.

4. There is one more formidable reason to reject the C.R.P. as pointed out by the learned Advocate General. The learned Advocate General has pointed out that even assuming that the 6th revision petitioner in this C.R.P. namely Y. Kavamma, by virtue of Section 29-A of the Hindu Succession Act became a co-parcener with effect from the date of her birth, even then she is not entitled to a separate Standard Holding in the property. Elaborating this submission, the learned Advocate General would contend that admittedly as on 1-1-1975 when the Act came into force, Y. Kavamma was a minor. There is no controversy and there cannot be any controversy between the parties that determination of the excess land has to be determined with reference to the relevant date i.e., 1-1-1975. If as on 1-1-1975, Y. Kavamma was a minor girl, then, she was not entitled to a separate Standard Holding. A minor daughter cannot be placed in a better position than a minor son in this regard. Looking from that angle also, the present claim of the Legal Representatives of the deceased Munirama Naidu that a separate Standard Holding should be allotted to Y. Kavamma is totally untenable. No other point was argued before the Court.

5. In the result the C.R.P. fails and it is dismissed. No costs.