

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT APPEAL Nos.324 and 325 of 2009

WRIT APPEAL No.324 of 2009

% Dated:01.05.2024

Mir Sadath Ali, S/o. Basharith Ali,
Aged 68 years, business,
R/o. 12-2-784/G, Rethibowli,
Hyderabad .. Appellant

And

\$ The Joint Collector,
Ranga Reddy District,
At Hyderabad and others .. Respondents

! Counsel for petitioner : Mr. E.Madan Mohan Rao,
learned Senior Counsel
representing Mr. M.Srinivas

^ Counsel for respondent No.4 : Mr. N.Vasudeva Reddy, learned
Senior Counsel

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? Cases referred

1. A Division Bench Judgment in W.A.No.750 of 2023, dated
03.08.2023
2. (1969) 2 SCC 187
3. (2015) 1 SCC 417

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI
WRIT APPEAL Nos.324 and 325 of 2009

COMMON JUDGMENT: *(per the Hon'ble Shri Justice Anil Kumar Jukanti)*

Mr. E.Madan Mohan Rao, learned Senior Counsel representing Mr. M.Srinivas, learned counsel for the appellant in W.A.No.324 of 2009 and respondent No.4 in W.A.No.325 of 2009.

Mr. N.Vasudeva Reddy, learned Senior Counsel for respondent No.4 in W.A.No.324 of 2009.

Mr. N.Vasudeva Reddy, learned Senior Counsel representing Mr. N.Praveen Reddy, learned counsel for the appellant in W.A.No.325 of 2009.

2. Writ Appeal Nos.324 and 325 of 2009 are filed challenging the common order dated 14.11.2008 passed by

the learned Single Judge in W.P.No.18038 of 2001 and 2722 of 2005 respectively.

3. Brief facts:

In Writ Petition No.18038 of 2001, writ petitioner assailed the validity of order, dated 06.08.1994, passed by Revenue Divisional Officer (RDO) (respondent No.2) and confirmed by Joint Collector (respondent No.1) vide order, dated 31.03.2001, whereby Occupancy Rights Certificate (for short "ORC") were granted to respondent No.3 in respect of Ac.3.23 guntas of land in Survey Nos.469, 470 and 471 of Budvel village, Rajendranagar Mandal, Ranga Reddy District.

3.1. In Writ Petition No.2722 of 2005, the writ petitioner is respondent No.1 before RDO and the appellant in the appeal filed before Joint Collector, the writ petition is filed questioning orders dated 06.08.1994 and 31.03.2001 passed by RDO and Joint Collector.

3.2. For purpose of reference, W.A.No.324 of 2009 (W.P.No.18038 of 2001) is being considered.

3.3. Respondent No.3 filed a claim petition on 13.09.1998 for grant of Occupancy Rights Certificate (ORC) under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short "the Inams Act, 1955") in respect of Ac.6.09 guntas of land comprised in Survey No.468 and Survey Nos.469, 470 and 471. The claim petition was referred to the Mandal Revenue Officer (MRO), Rajendranagar, by RDO for a report after conducting preliminary enquiry. After obtaining report from the MRO, RDO held enquiry. Having considered the respective pleadings of respondent No.3, the appellant (writ petitioner) and respondent No.4 and on the basis of the material on record before him, including the statements of the parties recorded in the enquiry, RDO partly allowed the claim petition of respondent No.3 and declared that she is entitled for grant of ORC under Section 8 of the Inams Act, 1955 for an extent of Ac.3.23 guntas in Survey Nos.469, 470 and 471

of the said village. Feeling aggrieved by the said order, the appellant and respondent No.4 filed separate appeals under Section 24 of the Inams Act, 1955, which were dismissed by Joint Collector by a common order dated 31.03.2001. The appellant and respondent No.4 filed Writ Petition Nos.18038 of 2001 and 2722 of 2005 challenging the said orders.

3.4. Learned Single Judge dismissed the writ petitions by a common order, dated 14.11.2008, holding that the RDO, after in-depth consideration of the respective claims of all the three parties, viz., respondent No.3, the appellant and respondent No.4, held that respondent No.3 is entitled to be registered as occupant. The learned Single Judge further held that neither the appellant nor respondent No.4 could make out any case warranting Court's interference with the order passed by RDO as confirmed by Joint Collector. It is this common order, which is under challenge in the present writ appeals.

4. It is submitted by learned counsel for the appellant that an application without impleading the inamdar is not

maintainable and the entire proceedings of RDO are without jurisdiction. It is further submitted that the appellants have admitted that father of respondent No.4 was a tenant in the subject lands. It is also submitted that when a question arises as to whether a person is deemed to be a protected tenant in respect of land under Section 34 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Tenancy Act, 1950'), the same is to be decided as per Section 35 of the Tenancy Act, 1950, on an application made within one year of commencement of Act and the Tahsildar shall decide the entitlement. It is submitted that in the event of death of a protected tenant, as per Section 40 of the Tenancy Act, 1950 his heir or heirs shall be entitled to hold the tenancy on the same terms and conditions on which such protected tenant was holding the land at the time of his death and the authorities, without deciding the issue, passed orders. It is also contended that none of the issues have been properly considered by learned Single Judge and that proviso to Section 4(1) of the Inams Act, 1955 *vide*

Amendment Act 19 of 1994 was not construed in the proper perspective and that Section 10 of the Inams Act, 1955 does not empower to adjudicate the identity of a person or succession and RDO has acted without jurisdiction. It is submitted that principles of natural justice were denied and that the findings of the Inam Tribunal are perverse and contrary to the law. The learned counsel has concluded the submissions stating that learned Single Judge ought to have considered all the grounds before passing the order.

5. It is submitted by the learned counsel appearing on behalf of respondent No.4 that respondent No.3 claiming ORC as wife of Vittalaiah through her father-in-law as a tenant is an incorrect fact and there was no basis or evidence relied or referred by the RDO to conclude that the respondent No.3 was tenant on the said land. It is further submitted that Joint Collector granted ORC without deciding on the aspect of tenancy as required under Section 40 of the Tenancy Act, 1950. It is also submitted that without issuing notice,

orders have been passed and the Joint Collector should have considered Section 6 of the Inams Act, 1955 while passing the order.

5.1. It is submitted that father-in-law of respondent No.3 was never protected tenant and hence, ORC could not have been granted in favour of respondent No.3. It is further submitted that respondent No.3 cannot claim any exclusive right and has to approach the appropriate Court by way of a suit for partition. It is also submitted that without there being an enquiry, without deciding the succession and also the aspect of tenancy, the orders passed by the authorities cannot stand the test of scrutiny, and learned Single Judge has erroneously dismissed the writ petitions upholding the orders of the revenue authorities. It is submitted that even though ORC is granted, the subject lands are liable to be partitioned and lastly it is submitted that a fresh enquiry be conducted by giving notice and affording an opportunity.

5.2. It is submitted that the RDO could not have gone into the nature of inam land and gave a finding that Survey Nos.469 to 471 are Makhta lands included in definition of Inam in Section 2(c) of the Inams Act, 1955 and the Inams Act, 1955 is a self contained code and that the RDO is conferred with specific power under Section 10 of the Inams Act, 1955 to examine the nature and history of lands in respect of which the claims are made by the inamdar, kabiz-e-kadim, permanent tenant, protected tenant or unprotected tenant. Section 30 of the Inams Act, 1955 confers the power to authorize any officer not below the rank of Tahsildar for the purposes of holding enquiry and therefore, the order passed by the RDO in deciding the succession or calling for a report from the MRO and placing reliance on the same to decide the issue of succession is not valid. It is further stated that the appellant, having not made a claim for grant of ORC, claiming that his father was the holder of inam and hence entitled to grant ORC is taking a contradictory stand that respondent No.2 has no jurisdiction to entertain a claim for

grant of ORC as the land is a service inam falling outside the purview of the Inams Act, 1955. The learned counsel has relied upon the following judgments:

- 1. *Dandu Narahari v. the State of Telangana*¹**
- 2. *State of Gujarat v. Patil Raghavnath and Others*², and**
- 3. *N. Padmamma & others v. S. Ramakrishna Reddy & others*³**

6. Heard the learned counsels, perused the record. Considered the rival submissions. It is evident from the record that concerned revenue authorities have granted occupancy rights to respondent No.3 (Gokari Kamalamma W/o Vittalaiah). The factual matrix of the issues urged before us have genesis in the orders of the revenue authorities from 1960s.

7. Gokari Mallaiah, S/o Chennaiah, aggrieved by an order of the Tahsildar, Hyderabad West, vide proceedings

¹ A Division Bench Judgment in W.A.No.750 of 2023, dated 03.08.2023

² (1969) 2 SCC 187

³ (2015) 1 SCC 417

No.A4/919/62, dated 10.03.1967, preferred an appeal before Joint Collector seeking rectification of entries in the tenancy register. Tahsildar in his order dated 10.03.1967, held that Gokari Mallaiah and Gokari Vittalaiah cannot be declared as protected tenants. Joint Collector in proceedings No.E4/9463, dated 27.02.1968, held that rectification of entries in tenancy register can be done by invoking correction rules by approaching the Deputy Collector and directed the Tahsildar to peruse the records including tenancy records and decide whether the case is maintainable or not. A perusal of the orders passed by authorities in various proceedings will provide a clear picture of the events unfolded. It is pertinent to extract the relevant portions of the orders passed.

8. Pursuant to directions of Joint Collector dated 27.02.1968, in proceedings No.E4/9463, the Mandal Revenue Officer (MRO), Rajendranagar, vide order dated 19.08.1989 held as follows:

“...Hence it is very clear that Gokari Mallaiah the father of the petitioner never in possession of lands bearing Sy.No. 468 to 471. Even as on today and from the perusal of the Revenue Records right even before 1359 F the name of Sri Gokari Chennaiah is coming in the records. As pointed in the earlier judgment by the superior authorities only Sri Gokari Chennaiah is entitled for Protected Tenant but not the Gokari Mallaiah. The respondents is in continuous and un-interrupted - possession over the suit land, since more than 4 decades Even as on today in the local enquiry Sri G.Chennaiah is in possession of the suit lands. The lands are recorded as Mafi-Inams in the Revenue Records the provisions of 102(c) and (d) clearly indicates that the lands of Service and Charitable Trusts are exempted from issue of Tenancy rights. Since the Government have enacted the legislation 1984 while aboliting the Service Inam Abolition Act.

Therefore I feel that the request of the both the parties for declaring as Tenant is not maintainable under Tenancy Act. The proper forum for the parties is to approach before Inam Tribunal to get ownership patta rights against the suit lands according to their possession.”

9. It is pertinent to note that respondent No.3, Gokari Kamalamma, W/o. Late Vittalaiah, (respondent before the MRO, Rajendranagar in proceedings dated 19.08.1989) filed a claim petition in Form-I on 13.09.1988 for grant of occupancy rights under the Inams Act, 1955, along with a condone delay application in the Court of the Inams Tribunal-cum-Revenue Divisional Officer, Chevella Division, against Gokari Jagadish & others and Mir Sadath Ali (appellants in Writ Appeals

herein). RDO by order dated 06.08.1994 in Proceedings No.L6193/88, held as follows:

“...As per the extract of protected tenancy register, 1951, filed by Gokari Jagadesh & Mir Sadath Ali, Survey Nos.468, 469, 470 & 471 of Budvel village were recorded as patta in the name of Mir Mahmood Ali, but as seen from the extract of sethwar of Budvel village for the year 1963 obtained from Assistant Director, Survey and Lands Records, Sy.No.468 is classified as Sarkari and Sy.Nos.469, 470 & 471 as Pan Maqta. As per xerox copy of certificate of Khasra Pahani, survey No.468 is classified as patta and stands in the name of mir Mohmood Shapahadi, the survey Nos.469, 470 and 471 are classified as mafi inam and also stands in the name of mir Mohmood Sha Pahani. Though the lands are recorded with different classification of nature (Mafilnam/patta/Panmaqta) in different records, as observed by the Mandal Revenue Officer, Rajendranagar, in Procs.No.D/3786/78 dt: 19-8-1989, the relevant record to disclose the nature of land is sethwar, according to which the S.No.468 is classified as Sarkari (means patta) and the S.Nos.469, 470 & 471 are classified as Panmaqta. The Respondent No.1 also claimed the S.No.468 as patta and the other three S.Nos. i.e. 469, 470 & 471 as Inam. Hence it is asserted that the S.No.468 is a patta land and the other three S.Nos.469, 470 & 471 are Panmaqta lands. As per the definitions of words contained in Section (2) of the Abolition of Inams Act, 1955, Inam also includes Maqta. Therefore the lands S.Nos.469, 470 & 471 of Budvel village alone are inam lands and governed by the provisions of A.P.(T.A.) Abolition of Inams Act, 1955. hence orders passed in respect of S.Nos.469, 470 & 471.”

10. The RDO further held as follows:

“...Against the orders of the Mandal Revenue Officer, Rajendranagar, no appeal seems to have been filed by the parties. As discussed at Issue No.1, above according to the Sethwar, the S.Nos.469, 470 & 471 are classified as Panmaqta which is a non-Service Inam and there can be P.Ts on Non-Service Inam lands, since the Tenancy Act is not applicable only for Service Inams. As per the Tenancy

Register also, still the names of Gokari Chennaiah and Mallaiah appear as P.Ts. of the suit lands. When once a declaration is made of P.Ts. in the P.T. Register and unless it is challenged within one year of its preparation before the competent authority, no authority has not any power to correct the entries made in the final Tenancy Record. The Deputy Collector (R.D.O.) as observed in the orders of the Jt.Collector in File No. E4/9436/67, dt: 27-2-1968 has alone got powers to correct only clerical mistakes which have crept in inconsistent with the enquiries contained in the preliminary & provisional Tenancy records. It appears that these aspects were not one through by the Mandal Revenue Officer, Rajendranagar while passing orders. Both the P.Ts.Gokari Chennaiah and Mallaiah are now dead and succession of their P.T. rights in favour of their L.Rs has not been sanctioned by the competent authority. However for grant of occupancy rights to the P.Ts/Their L.Rs. U/s. 7 of the Abolition of Inams Act, over Inam lands, their possession and personal cultivation of the lands on the date of vesting 1-11-1973 is imminent. Therefore, the issue needs no further explanation.”

11. It was also held by the Inams Tribunal-Cum-RDO as follows:

“... the witnesses examined by the Mandal Revenue Officer, Rajendranagar in presence of both the parties have also un-equivocally stated that Chennaiah is shown as actual cultivator of the land. The Respondent No.1 claims that this Chennaiah is his grand-father, where as the petitioner claims Chennaiah to be her father-in-law (father of her husband Vittalaiah). From the papers filed by the parties which relates to the litigation pending regarding suit lands since 1951, it can be easily said that Chennaiah (father-in-law of the petitioners) and Mallaiah father of the Respondent No.1 were contemporaries and Chennaiah whose name is recorded as actual cultivator of the suit lands in the Khasra Pahani could be only father of Vittalaiah and father-in-law of the petitioner Kamalamma. Further the Mandal Revenue Officer, Rajendranagar after due enquiry, has also reported that the father's name of Gokari Chennaiah whose name is recorded as occupant of

the suit lands in the pahani for the years 1950. 1954, 1954-55, is Pedda Ananthaiah and the said Chennaiah died about (25) years ago leaving his son Vittalaiah, who also died at about (5) years ago leaving his widow Kamalamma, who is not cultivating the suit lands. The name of Gokari Chennaiah also figures as occupant of the land in the pahani for the year 1963. In the pahanies for the years 1967-68, 1979-80, 1985-86 & 1986-87, the name of Gokari Vittalaiah appears as occupant of the land. In the pahanies for the years 1973-74, 1975-76 & 1976-77 along with Gokari Vittalaiah, one Nallamonu Balaiah is shown as occupant of the land. The son of Balaiah viz., Pentaiah in his deposition dt: 5-4-1989, in the Tribunal has stated that the suit lands were being cultivated by Gokari Vittalaiah and after his death, his wife Kamalamma cultivating the land. Further he stated that they never cultivated the land and expressed no objection if occupancy rights are being granted to the petitioner Kamalamma. The witnesses examined by the Mandal Revenue Officer, Rajendranagar in presence of both the parties have also un-equivocally stated that the suit lands were being cultivated by late Vittalaiah since a long time and after his death, the petitioner Kamalamma who is the wife of Vittalaiah is cultivating the lands. Thus all the records and evidences placed before me disclose that after the death of Chennaiah, the original occupant of the suit lands, his son Vittalaih cultivated the land. The name of Vittalaiah also figured as occupant of the lands in the pahani for the year 1973-74, which could reveal his possession on the date of vesting 1-11-1973, which date is confirmed to be the date of vesting by the Hon'ble High Court in their Division Bench Judgment in W.A.No.600/87 & Batch, dt: 27-4-1993.

In view of the discussions in foregoing paras and on issue Nos. 1 to 3 above, the petitioner herein Smt. Gokari Kamalamma W/o Vittalaih is entitled for grant of occupancy rights U/S.8 of the Abolition of Inams Act, in respect of Inam Lands S.Nos. 469 (0-11), 470 (1-19) & 471 (2-01) total measuring Acs.3-23 gts., situated at Budvel village, subject to payment of Rs.2,608.00 in the following Head of Account. In the result the claims and objection petitions of the Respondent is rejected. ”

12. Aggrieved by the orders of the RDO dated 06.08.1994 in Proceedings No.L/6193/88, Mir Sadath Ali S/o Basharith Ali preferred an appeal under Section 24 of the Inams Act, 1955. The Joint Collector, Ranga Reddy in Proceedings No.F1/7166/94 dated 31.03.2001 held as follows:

“...This finding of the Tahsildar is correct in view of the provisions envisaged in section 3 of the Inams abolition Act which states that "As a consequence of the Abolition of Inams, the pre-existing rights, title and interest of the inamdar or any person in occupation of the inam lands stood divested and vested in the State until re-grant is made.

The lands being inam lands, classified as Pan Maqta, evident from the entries made in Sethwar, it has to be examined as to whether the Respondent No.1 i.e. Smt. Gokari Kamamma is entitled for grant of Occupancy Rights.

It is seen from the copy of the Khasra Pahani that Gokari Chennaiah's name was recorded as Actual Cultivator in respect of land bearing Sy. Nos.469, 470 and 471 of Budwel village. The appellant Gokari Jagadish contends that his Grand-Father, Chennaiah was in possession of the suit lands. There is a dispute in regard to the identity of Chennaiah and as to which Chennaiah was in actual possession of the suit lands. The enquiries made by the Mandal Revenue Officer reveal that Gokari Chennaiah, Father-in-Law of Respondent No.1 namely Gokari Kamamma has been in possession of the said lands right from the year 1950 and his father's name is Pedda Anthaiah and the said Chennaiah died about (25) years back leaving behind Vittalaiah as his lone legal heir who also died leaving behind his widow, Kamamma and she is now cultivating the said lands. The name of Gokari Chennaiah, is recorded as occupant in the pahanis for the years 1963. In the pahanis for the years 1967, 1968, 1979-80, 1985-6 and 1986-97 the name of Gokari Vittalaiah is recorded as Occupant of the said Lands. In he pahanies for

the years 1973-74, 1975-76 and 1976-77 the name of Gokari Vittalaiah and one Nallamoni Balaiah is recorded as occupant. The son of Balaiah namely Pentaiah in his deposition dt.5.4.1989 before the Lower Tribunal has stated the suit lands were being cultivated by Gokari Vittalaiah and after his death, his wife Kamamma is cultivating the said lands. Further, he has also stated that neither himself nor his father Balaiah ever cultivated the said lands and expressed no objection for grant of occupancy rights in favour of Gokari Kamamma. Therefore, it is abundantly evident that the father-in-law of Respondent NO.1 namely Gokari Chennaiah and Vittalaiah husband of the Respondent NO.1 i.e. Gokari Kamamma were alone in possession of the suit lands on both dates of vesting i.e. 20.7.1955 and also on 1.11.1973.

The counsel for the appellant Sri K.Prabhakar in his written arguments has contended that there is no record to show that Gokari Chennaiah, s/o. Antaiah had obtained the suit lands on lease from the appellant or his late father, Meer Basharith Ali, in fact, the lands were leased out to Gokari Mallaiiah and his father Gokari Chennaiah, s/o. Gokari Papaiah. It is further submitted that the land bearing Sy. Nos. 469, 470 and 471 situated at Budvel village are Mafi (Service Inam) lands as per Khasra, as such the Lower Tribunal had no authority to issue Occupancy Rights Certificate in favour of Gokari Kamamma. It is contended that a person who has a valid right to hold the land under the provisions of Inams Abolition Act alone is entitled for Occupancy Certificate, but the alleged long standing possession of any person do not confer any right or interest to get Occupancy Certificate.

The Hon'ble High Court of Andhra Pradesh in case (B.Ramender Reddy Vs. Dist. Collector, 1993(2) AN.W.R. 84) has held that while for the abolition of imams and vesting of the same in the State the date reckoned is 20.7.1955, but for determination of Occupancy Rights the date reckoned as 1.11.1973.

The counsel for the appellant himself has admitted in his written arguments that the Respondent i.e. Gokari Kamamma, through her late husband and father-in-law has been in possession of the land since several years.

The Respondents No.1 husband i.e. Gokari Vittalaiah was in possession of the land bearing Sy. Nos. 469, 470 and 471 of Budwel Village, Rajendranagar

Mandal on the date of vesting i.e. 1.11.1973. Therefore, the Respondent NO.1 alone is entitled for grant of Occupancy Rights under the Provisions of Inams Abolition Act. The Revenue Divisional Officer has rightly granted the Occupancy Rights Certificate in her favour which is total conformity with the provisions of the Inams Act. There is nothing illegality or infirmity in the orders of the Lower Tribunal and does not warrant any interference by this Court. Therefore, the appeals are dismissed and the orders of the Lower Court dt.6.8.1994 passed in Proceedings L/6193/88 are hereby confirmed.”

13. From a perusal of the orders of the authorities, it is observed that the authorities on the basis of evidence, material on record and on local enquiries, have lucidly held that respondent No.3 Gokari Kamalamma's W/o Late Vittalaiah, (Chennaiah is father of Vittalaiah and also father in law of Kamalamma) was entitled for grant of ORC as they were cultivating the said lands on the date for determination of occupancy rights i.e. on 01.11.1973 and the claims of Appellants i.e., Gokari Jagadish and Sadath Ali S/o. Basharith Ali were ordered to be rejected.

14. It is trite to extract the relevant portion of the order of the learned single judge which is as follows:

“Respondent No.2 carefully analyzed the report submitted by the Mandal Revenue Officer and considered

in detail the statements of various persons recorded during the enquiry and came to the conclusion that Gokari Chennaiah, the tenant in occupation of the property, is son of Pedda Anthaiah and father-in-law of respondent No.3 and not the son of Papaiah as claimed by the petitioner and respondent No.4. Indeed, the learned counsel for the petitioner and respondent No.4 have not advanced specific contentions, and in my view rightly, on the correctness of the finding of respondent No.2 in this regard because this being a finding of fact, this Court exercising jurisdiction under Article 226 of the Constitution of India does not reexamine and substitute its view by reappreciating the evidence on record even if another view is possible. Though the learned counsel for respondent No.4 relied on Rule 6 in support of his contention that even if his client has not applied for ORC, respondent No.2 ought to have considered the claim of respondent No.4 as well and granted ORC in his favour. I do not find any merit in this contention, as respondent No.2, after in-depth consideration of the respective claims of all the three parties, viz., respondent No.3, the petitioner and respondent No.4, held that respondent No.3 is entitled to be registered as the occupant. Even if a formal application was filed by respondent No.4, that would have been rejected on the strength of the said finding of respondent No.2.”

15. Learned Single Judge has rightly held that the proviso to Section 4(1) of Inams Act, 1955 was inserted by 1994 Amendment Act and though the Statement of Objects and Reasons expressed the intention of the legislature to exempt the village service Inams and Inams held by religious and charitable institutions from abolition, in the face of this specific proviso introduced by way of the aforementioned

proviso, it is not open to the appellant to plead exclusion of the jurisdiction of respondent No.2 to consider grant of ORC even in respect of Inams held by the institution. The only limitation placed by the Inams Act, 1955 in respect of such Inams is that except the institution, no other person is entitled to be registered as an occupant.

16. We are of the considered opinion that the proviso to Section 4(1) of the Inams Act, 1955 after amendment has been considered and has rightly been held by the learned Single Judge that the respondent No.2 does have the jurisdiction to consider grant of ORC and we see no infirmity in the same. This court is not oblivious to the finding that the lands in Sy.Nos.469, 470 & 471 of Budvel village are inam lands and governed by the provisions of the Inams Act, 1955.

17. It was urged before the learned Single Judge that the appellant's father was an Inamdar and that Chennaiah F/o. Mallaiah was cultivating the land. It was also further urged by appellant that religious/charitable institution is the

Inamdar and the RDO's jurisdiction is ousted. The learned single judge held that in either case, the appellant is not entitled to the grant of ORC as he does not satisfy the requirement of being in personal cultivation to claim ORC under Section 4 of Inams Act, 1955, if his plea as inamdar is accepted; and in case he not being the inamdar, if the institution is held to be the inamdar. We see no infirmity in the finding arrived at by the learned Single Judge that the appellant is not entitled for grant of ORC.

18. The entire dispute in respect of Gokari Kamalamma and Gokari Jagadish revolves around as to who has to be granted the ORC whether it is respondent No.4, Gokari Jagadish S/o Gokari Mallaiah, claiming through his grand-father Chennaiah S/o Papaiah or Gokari Kamalamma W/o Gokari Vittalaiah through her father-in-law i.e., Gokari Chennaiah S/o Pedda Anthaiah. As observed from the order of the RDO, basing on enquiry by MRO, the said lands were cultivated by Gokari Vittalaiah and after his death his wife Kamalamma

was cultivating the land. It is also observed from the order that one Shri Girukala Narayana Goud, aged 90 years deposed that he had no knowledge about cultivation of land by Gokari Mallaiah and that Chennaiah father of Vittalaiah received Haque Malikana. It is also held that lands in Sy.Nos.469, 470 and 471 of Budvel Village, are inam lands and that the appellant (Mir Sadath Ali) before Joint Collector in his written arguments has admitted that Gokari Kamalamma through her late husband and father-in-law has been in possession of land since several years. It is also observed in the order of the Joint Collector that the lands being inam lands classified as Pan Maqta evident from the entries in Sethwar. The judgments relied by the learned counsel for respondent No.4 are not applicable to the facts and circumstances of the case.

19. The findings of MRO that “respondent No.3, her husband and father-in-law are in continuous and un-interrupted possession over the land, since more than

four decades and that even as on today in the local enquiry, Sri Chennaiah F/o. Vittalaiah is in possession of the said lands and that the lands are recorded as Mafi-Inams in the Revenue Records” have been affirmed by RDO and RDO further held that “all the records and evidences placed before me disclose that after the death of Chennaiah, the original occupant of the said lands, his son Vittalaiah cultivated the land. The name of Vittalaiah also figured as occupant of the lands in the pahani for the year 1973-74, which could reveal his possession on the date for determination of occupancy rights on 1-11-1973, (which date is confirmed to be the date by the Hon'ble High Court in their Division Bench Judgment in W.A.No.600 of 1987 & Batch, dated 27-4-1993)”. These findings by the authorities are based on material on record and are based on enquiry conducted in the village. The findings cannot be termed as perverse.

20. We are of the view that findings by the authorities and reasons recorded by them under a statute or by the appellate

authority thereunder do not warrant any interference as there is no illegality, infirmity or error of jurisdiction. The order passed by the learned Single Judge is affirmed.

21. In the result, Writ Appeals are dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

ALOK ARADHE, CJ

ANIL KUMAR JUKANTI, J

Date:01.05.2024

KH