

**THE HONOURABLE SMT. JUSTICE M.G.PRIYADARSINI**

**Civil Revision Petition No.1619 OF 2019**

**ORDER:**

Aggrieved by the order dated 28.11.2017 in Case No.F1/853/2017 passed by the Joint Collector, Malkajgiri-Medchal District confirming the orders dated 28.12.1986 passed by the Revenue Divisional Officer, Hyderabad in File No. H/8483/85, dated 28.02.2011, the petitioner filed the present Civil Revision Petition.

2. For the sake of convenience, hereinafter, the parties will be referred as per their array before the Joint Collector, Medchal – Malkajgiri District.

3. Originally one Sri Vengala Ramalinga Reddy has filed an application before the Revenue Divisional Officer, Hyderabad, East Division, Ranga Reddy District for grant of Occupancy Rights Certificate in respect of lands in Sy.Nos.209, 216, 217, 218 of Girmapur Village. In the said proceedings, objections petitions were filed by Bokka Raji Reddy, Babureddi Chinna Anjaiah and M. Kishan Rao and six others. The Revenue Divisional Officer has granted Occupancy Rights Certificate in favour Vengala Ramalinga Reddy and also in favour of Bokka Raji Reddy and B. Anjaiah over the land bearing Sy.No.209 to

an extent of Ac.0.38 guntas with equal shares. Respondent Nos.3 and 4 were granted Occupancy Rights Certificate in respect of the lands purchased by them from the sons of original inamdar vide orders, dated 28.02.1991 in File No.L/1596/89. Aggrieved by the same, the revision petitioner filed appeal before the Joint Collector, Ranga Reddy District vide Case No.F1/3223/2014, which was dismissed on 30.01.2016 on the ground that the appeal was filed after lapse of 29 years. Aggrieved by the same, the revision petitioner has preferred Civil Revision Petition No.3140 of 2016, which was allowed by setting aside the orders of the Joint Collector, Ranga Reddy District in Case No.F1/3223/2014 and remanded the matter back for fresh disposal on merits. Accordingly, the Joint Collector, Ranga Reddy District has considered the matter afresh and dismissed the appeal on merits confirming the proceedings of Revenue Divisional Officer, dated 28.02.1986 and 28.02.1991 in File No.H/8443/1985 and L/1596/1989 respectively. Aggrieved by the same, the revision petitioner has preferred the present revision petition.

4. The brief facts, which necessitated the revision petitioner to file the present Civil Revision Petition, as can be seen from the impugned order are as under:

a) Originally the land to an extent of Ac.6.24 guntas in Sy.No.212, Ac.8.03 guntas in Sy.No.214, Ac.20.07 guntas in Sy.No.216, Ac.17.31 guntas in Sy.No.217 and Ac.15.23 guntas in Sy.No.218 total admeasuring Ac.68.08 guntas situated at Girmapur Village, Medchal Mandal, Medchal-Malkajgiri District and the said land is classified as “panmaktha” as per Khasra Pahani for the year 1954-55 and Dastagarda as per crucial date i.e., 01.11.1973. The subject land is inam land, which stands in the name of Inamdar Late M. Srinivas Rao, who has two sons namely M. Rama Rao and M. Krishna Rao. M.Rama Rao died leaving behind his major son M. Madhusudhan Rao. M. Krishna Rao had one major son. M. Krishna Rao and M. Hanmanth Rao and M. Madhushdhan Rao have filed their declarations in Form – I under A.P. L.A. (Ceiling on Agricultural Holdings) Act, 1973 under Section 8/18 wherein declared the subject lands were in possession of one late Mettu Balaiah @ Bokka Bal Reddy for the past more than 20 years on the date of declaration.

b) The authority has issued ORC in file No.H/8483/85, dated 28.02.1986 in respect of subject lands in favour of V. Ramalinga Reddy taking into consideration of only protected tenant though the appellants grandfather were in possession of

the property on crucial date i.e., 01.11.1973 and pahani for the year 1973-74. Further, the appellant submit that as per Section 3 (1) of the A.P. (T.A) Abolitions of Inams Act, 1955, on abolition of Inams, the ownership rights vested to the state and no other Acts and status of tenancy is not applicable to the state property. In the instant case the ORC issued not under the provisions of Inam Abolition Act but based on Tenancy Act.

c) The respondent Nos.3 and 4 were issued ORC in File No.L/1596/1989 dated 28.02.1991 for sy.No.212 to an extent of Ac.6.24 guntas, Sy.No.214 to an extent of Ac.8.03 guntas. The respondent Nos.3 and 4 have purchased the subject land from the legal heirs of Inamdar M. Krishna Rao and others through registered sale deed bearing document Nos.149 of 1983 and 150 of 1983, dated 19.01.1983 and applied for ORC before the competent authority but the same was rejected and issued memo, dated 13.05.1987 in file No.L/1192/85 stating that the claimant is not in possession on crucial date. The respondent Nos.3 and 4 preferred an appeal to the appellate authority in No.B3/8339/87 and the appellate authority passed order directing the RDO for denova enquiry. The R.D.O. had taken case on record and issued ORC in favour of respondent Nos.3 and 4 by stating that “no rival claim and any objection has been

received from any interested person.”. The sale transaction between inamdar and occupant is against the Inam Abolition Act.

d) The appellant has made an appeal before the then J.C- I, R.R. District in File No.F1/3223/14 and the same was dismissed on the grounds of limitation. The appellant based on order of JC-I preferred appeal to the High Court in CRP No.3140 of 2016, wherein the orders of the then J.C- I was set aside and directed the J.C. to decide on merits of the case. The orders passed by the RDO in File No.H/8483 of 1988 and L/1596/1989, dated 28.02.1991 is contrary and against the provisions contained in Inam Abolition Act.

5. The contentions of the Respondent No.5 before the appellate Court are as under:

a) The subject land is Panmaktha as per Khasra Pahani and Dastagarda and also admitted about filing of declarations by M. Krishna Rao and M. Hanmanth Rao and M. Madhushdhan Rao in Form – I under A.P. L.A. (Ceiling on Agricultural Holdings) Act, 1973 under Section 8/18 wherein the subject lands were declared to have been in possession of one late Mettu Balaiah @ Bokka Bal Reddy and Vangeti Rama Lingaiah @ Ramalinga

Reddy for the past more than 20 years as on the date of declaration. In fact the father of the respondent No.5 Late Chinna Narayana was in possession for the year 1972-73 and as on the date of vesting i.e., 01.11.1973 and also for the year 1976-77.

b) The respondent No.5 is a party to the proceeding in File No.H/8483/85, dated 28.02.1986 in respect of subject lands, however, the authorities have not considered the claim of respondent No.5 though in possession of the property on crucial date and date of vesting i.e., 01.11.1973 but not recorded in the pahani for the year 1973-74. The competent authorities have taken into consideration of only protected tenants based on which the ORC was issued in favour of late V. Ramaling Reddy.

c) It is well settled law that as per Section 3 (1) of A.P. (T.A.) Abolition of Inams Act, 1955, on abolition of Inams the ownership rights vested to the State and no other Acts and status of Tenancy Act is not applicable to the state property. In this instant case, the ORC issued not under the provisions of Inam Abolition Act but based on Tenancy Act.

d) The respondent Nos. 3 and 5 i.e., M. Kistaiah and M. Veeramani were issued ORC in File No.L/1596/1989, dated

28.02.1991 for Sy.No.212 to an extent of Ac.6.24 guntas and Sy.No.214 to an extent of Ac.8.03 guntas. The respondent Nos.5 and 6 have purchased the subject land from the legal heirs of Inamdar M. Krishna Rao and others through registered sale deed bearing document Nos.149 of 1983 and 150 of 1983, dated 19.01.1983 and applied for issue of ORC before the competent authority, but competent authority rejected their claim by stating that the claimant is not in possession on crucial date and issued a memo dated 13.05.1987. On the appeal filed by respondent Nos.3 and 5, the appellate authority passed favourable orders directing the RDO for denova enquiry. Respondent No.5 along with grandfather of appellants by name Vangeti Rama Linga Reddy were in possession as on the date of vesting. There is no preliminary enquiry report called from the Tahsildar and no notice were issued to the interested parties.

e) The order passed by the RDO in File No.H/8483/88, dated 28.02.1986 and No.L/1596/1989, dated 28.02.1991 is contrary and against the provisions contained in Inam Abolition Act, as such, the said orders are liable to be cancelled and remanded back to RDO/Inam Tribunal for denova enquiry.

6. The contentions of Respondent Nos.3 and 4 before the Joint Collector are as under:

a) The Respondent Nos.3 and 4 are the absolute owners and possessors of the land bearing Sy.No.212 to an extent of Ac.6.24 guntas and Sy.No.214 to an extent of 8.03 guntas situated at Girmapur Village, Medchal Mandal, which they have purchased from the legal heirs of Inamdar M. Krishna Rao and others through registered sale deed bearing document Nos.149 and 150 of 1983 dated 19.01.1983 and applied for issue of ORC before the competent authority.

b) The respondent Nos. 3 and 4 are no way concerned with the lands bearing Sy.Nos.216 to 218 of Girmapur Village. The respondent Nos.3 and 4 are in possession of the property from the date of purchase. As the subject lands are inam lands, they have applied for issue of ORC in File No.L/1596/1989 and obtained ORC dated 28.02.1991. As they have purchased the lands from the legal heirs of Inamdar, there is no need to make the appellant as party to the proceedings in File No. L/1596/1989. The RDO after due enquiry issued ORC in favour of respondent Nos.3 and 4.

7. Heard learned counsel for the revision petitioner and perused the material on record including the grounds of revision. It is pertinent to note that inspite of service of notice neither the official respondents nor the unofficial respondents



have shown their respective interest in coming forward in making their submissions to substantiate their claim. Hence, the arguments on behalf of all the respondents are treated as heard.

8. One of the contentions raised by the learned counsel for the revision petitioner is that there is absolutely no preliminary enquiry report submitted by the Tahsildar while issuing the original ORC certificate in favour of the respondents. As per Section 10 of A.P. (Telangana Area) Inams Abolition Act (hereinafter will be referred as 'the Act'), it is an enquiry by Collector in certain cases, wherein the Collector shall examine the nature and history of all lands in respect of which an inamdar kabiz-e-kadim, permanent tenant, protected tenant or non-protected tenant, claims to be registered as an occupant under Sections 4, 5, 6, 7 and 8 as the case may be, and decide as to in whose favour, and in respect of which inam lands, the claims should be allowed and as to the land revenue and the premium payable in respect of such lands. Thus, as can be seen from the provisions of the Act, it is not mandatory to hold a preliminary enquiry while issuing Occupancy Rights Certificate in all the cases. However, when there is any ambiguity in respect of the nature of lands or any other aspect, only in such

certain cases, the Collector shall hold enquiry to clear such an ambiguity. In the case on hand, there is no ambiguity as to who are the inamdars, who were not in possession over the subject lands, as such the request of inamdars to resume the lands for personal cultivation was rejected on the ground the Revenue Divisional officer has no jurisdiction to entertain or consider such request. There was no ambiguity as to who were in possession of the subject lands. The Revenue Divisional Officer has issued notifications for objections if any on the claim of the Sri Vengala Ramalinga Reddy and after receiving objections from certain occupants of the subject land, the Revenue Divisional Officer has passed necessary orders. A perusal of the impugned order at page No.9 discloses that the impugned order was passed after conducting denovo enquiry as ordered by the then Appellate authority i.e., Collector, vide orders dated 23.002.1988 in appeal case No.B3/8339/1987.

9. The other contention of the learned counsel for the revision petitioner is that the Joint Collector did not look into the merits of the case having bent upon to dismiss the appeal giving finding that the RDO has rightly passed the orders, which are under appeal and made passing-bye observations on merits of the case, which were erroneous and without application of

mind. A perusal of the orders dated 28.11.2017 passed by the Joint Collector in Case No.F1/853/2017 discloses that the order was passed by considering the rival contentions.

10. The other contention of the learned counsel for the revision petitioner is that the RDO as well as the Appellate Joint Collector failed to observe that the original inamdar filed Land Ceiling declaration showing the grandfather of the present petitioner Mettu @ Bokka Balaiah @ Balreddy as the tenant along with Vangeti Ramalingayya @ Ramalinga Reddy for the previous 20 years and erred in observing that the petitioner was not in possession of the land on the crucial date. It is pertinent to note that though the said document pertains to the year 1975, the revision petitioner failed to submit the said document either before the Revenue Divisional Officer or before the Joint Collector nor before this Court until 27.07.2023. No palpable reasons were assigned by the revision petitioner as to why he could not file the said document before the Revenue Divisional Officer or before the Joint Collector. Moreover, the learned counsel for the revision petitioner has filed the said document along with a memo. The learned counsel for the revision petitioner failed to submit the original document. Even otherwise, the said document is Photostat copy and not even a

certified copy. Furthermore, the said document is not legible and decipherable.

11. Further, even for the sake of arguments, if the above said document is taken into consideration, the name of Bokka Baliah was shown as possessor of the subject lands. On perusal of pahanies for the year 1972-73 and 1973-74, the name of Mettu Balaiah is being shown against some of the subject lands. Whether Bokka Baliah and Mettu Balaiah are one of the same person or different person is another ambiguity in the case on hand. No documentary proof is filed by the revision petitioner to show that his grandfather is Bokka Baliah or Mettu Balaiah.

12. It is to be seen that the Revenue Divisional Officer has issued notifications calling for objections before issuing occupancy rights certificates in respect of subject lands in favour of respondents. But no explanation is offered by the revision petitioner as to why he or his father could not file objections before the Revenue Divisional Officer for issuance of occupancy rights certificate in their favour. It is pertinent note that not only the unofficial respondents but six other persons have filed objections before the Revenue Divisional Officer for issuance of occupancy rights certificate in their favour. Thus, it cannot be said that the revision petitioner or his father or is

grandfather were not aware of the notification issued by the Revenue Divisional Officer until filing of the appeal before the Joint Collector in the year 2014.

13. The contention of the learned counsel for the revision petitioner is that the ORC issued not under the provisions of Inam Abolition Act but based on Tenancy Act and thereby the impugned order is liable to be set aside. A perusal of the impugned orders were passed and occupancy rights certificates were issued in pursuance of the A.P. (Telangana Area) Inam Aboition Act but not in pursuance of Tenancy Act. Even otherwise, in **Thota Sridhar Reddy v. Mandala Ramulamma**<sup>1</sup> the Honourable Supreme Court observed as under:

*“21. On merits, it was argued that the purchasers had not disclosed the factum of the appeal being filed before the Joint Collector or before the High Court. In fact, the protected tenants had no 18 (1989) 3 SCC 424 19 (2010) 1 SCC 756 knowledge of the appeal being filed and withdrawn. The filing and withdrawal of the appeal is surrounded by suspicious circumstances so as to justify the grant of Occupancy Rights Certificate to the purchasers. The order of granting occupancy rights was passed on 19.2.1982 after issuance of certificate under Section 38-E. Once ownership rights had been granted under Section 38-E, the same cannot be disputed except in the manner contemplated by law. There was no question of granting occupancy rights to the purchasers as the land is deemed to be transferred to the protected tenant as the owner and that there was no interest or title in the disputed land which could be claimed by the purchasers once the ownership is granted to the protected tenant. Section 33 of the Inams Act specifically provides that the Inams Act will not affect the Tenancy Act and the provisions of the Tenancy Act, particularly Section 38-E (1) and Sub-Section 5 read with Section 19 have been given overriding effect after the enactment of Inams Act. Thus, such provisions would prevail over*

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<sup>1</sup> LAWS(SC)-2021-10-3

*the Inams Act. Section 38-E (1) of the Tenancy Act substituted in the year 1971 had given overriding effect to Chapter IV over any other law which would also include the Inams Act.*

14. In view of the principle laid down in the above said decision, it is clear that even if the Occupancy Rights Certificate is issued under Tenancy Act, they will prevail over the Inams Act. Therefore, the above said contention of the learned counsel for the revision petitioner is unsustainable.

15. The revision petitioner is challenging the impugned order, to which neither the revision petitioner nor his father or his grandfather were parties. Except asserting that the declarations filed by the inamdars under A.P. L.A. (Ceiling on Agricultural Holdings) Act, 1973 discloses that the subject lands were in possession of one late Mettu Balaiah @ Bokka Bal Reddy for the past more than 20 years on the date of declaration, no other material is placed by the revision petitioner to substantiate his contention. In these circumstances, if the impugned order is set aside without any basis, that too after lapse of several years, it would cause great prejudice to the persons, who were granted occupancy rights certificate long ago.

16. Therefore, in view of the above discussion this

Court is of the opinion that the revision petitioner failed to establish that there is illegality in the impugned order in order to set aside the impugned order and thereby Civil Revision Petition is liable to be dismissed.

17. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Pending Miscellaneous applications, if any, shall stand closed.

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**JUSTICE M.G.PRIYADARSINI**

Date: 21.12.2023  
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