

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3192 OF 2002

Marella Kondala Rao & Ors. ...Appellants.

Versus

Authorised Officer, Land Reforms,
A.P. & Anr. ..Respondents

ORDER

1. This appeal arises from the final order dated 28th of February, 2001 of the High Court of Judicature, Andhra Pradesh at Hyderabad in Civil Revision Petition No.3326 of 1997.

2. An application made by the appellants under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (hereinafter referred to as the “Andhra Land Reforms Act, 1973”) was filed before the concerned authorities in respect of the land in question. The authorities by a detailed order held that since the appellants were tenants, they were entitled to retain the land in question. An appeal was taken

against the aforesaid order of the authorities under the Andhra Land Reforms Act, 1973 in which the order of the authorities was also affirmed. Subsequently, a revision was also moved and by the impugned order the High Court had set aside the concurrent orders of the authorities and the tribunal holding that the authorities under the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (hereinafter referred to the “Andhra Tenancy Act, 1956”) was only conferred with the power to determine the question of tenancy in respect of the land in question and such determination could not be made under the Andhra Land Reforms Act, 1973, i.e., the authorities had no jurisdiction to determine the question of tenancy in respect of the lands in question. However, liberty was given by the High Court to the appellants to approach the authorities under the Andhra Tenancy Act, 1956 for determination of the question of tenancy relating to the land in question. It is this order of the High Court which is now challenge before us.

3. Having heard the learned counsel for the parties and after considering the relevant provisions of both the Acts viz., Andhra Land Reforms Act, 1973 and Andhra Tenancy Act, 1956, we do not find any reason to interfere with the impugned order of the High Court, as we find that the learned counsel for the appellants had failed to satisfy us that the Andhra Land Reforms Act, 1973 also conferred with the power to determine right of tenancy in respect of the lands in question.

4. That being the position, we are not inclined to interfere with the impugned order of the High Court in the exercise of our power under Article 136 of the constitution excepting that it would be open to the appellants to approach the authorities under the Andhra Tenancy Act, 1956 for determination of the tenancy right relating to the land in question and if such approach is made, the authorities under the Andhra Tenancy Act, 1956 are directed to decide the same in accordance with law after giving proper

opportunity of hearing to the parties as expeditiously as possible.

5. Subject to the above observations, the appeal is dismissed with no order as to costs. Interim order, if any, stands vacated.

.....J.
[Tarun Chatterjee]

New Delhi;
July 23, 2008.

.....J.
[Aftab Alam]