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C.A.No. 5993-5994 OF 1999

ITEM No.110

Court No. 9

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos.5993-5994 of 1999

PILLI RAJAMMA (DEAD) THR. L.R.S. & ANR Appellant (s)

VERSUS

P. NARASAMMA & ORS. Respondent (s)

(With prayer for interim relief and office report)

Date : 24/07/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. G. Ramakrishna Prasad,Adv.
Mr. Md. Wasay Khan,Adv.
Mr. K.C. Sudershan,Adv.
Mr. Jayanth Muthraj,Adv.
Mr. S.U.K. Sagar,Adv.
Mr. S. Mishra,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

The civil appeals are dismissed.

No order as to costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5993-5994 OF 1999

Pilli Rajamma (Dead) Thr. L.Rs. & Anr. ...Appellant(s)

Versus

P. Narasamma & Ors. ...Respondent(s)

O R D E R

Heard learned counsel representing the appellants.

It is not in dispute that the land in question is an Inam land coming within the purview of the Andhra Pradesh (Telengana Area) Abolition of Inams Act, 1955 (8 of 1955) [as amended in 1967] [for short, 'the Act']. The High Court found that the civil court had no jurisdiction to entertain the suit in respect of the Inam land in view of the provisions of the said Act. The High Court, relying upon the decision of this Court in Lokraj & Ors. vs. Kishan Lal & Ors. (1995 (3) S.C.C. 291), took the view that when the Inam land is vested in the State, the civil court had no jurisdiction to entertain the suit to adjudicate upon the title to the property, as claimed by the plaintiffs. Before the High Court, it was urged that the contention as to the maintainability of the civil suit was not taken before the courts below and it was sought to be raised for the first time in the High Court and as such the High Court ought not

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have entertained such an objection as to the jurisdiction. The High Court found that it was a pure question of law going to the very root of the matter touching the jurisdiction without requiring any further examination of facts and in that view of the matter, allowed the appeal and set aside the judgement and decree of the courts below but gave liberty to the parties to approach the authorities/Tribunal under the Act for appropriate remedy.

Learned counsel for the appellants, before us, did not dispute that the land is an Inam land and the provisions of the Act are applicable. If that be so, no fault can be found with the impugned judgement.

Under the circumstances, we have no choice but to dismiss the appeals. Accordingly, the civil appeals are dismissed but with no order as to costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
July 24, 2003.