

GOVERNMENT OF ANDHRA PRADESH

Abstract

TW - Revision Petition filed by Sri Kasturi Krishnaiah under Section 6 of A.P.Scheduled Areas Land Transfer Regulation 1959 against the order of the Agent to Government Khammam district – in CMA No. 11/1999 dated 1.6.2001 - Dismissed – Orders Issued.

G.O.Ms.No.108.

Dated : 7.11.2003.

Read the following

- 1.From Sri Kasturi Krishnaiah R.P dated 1.6.2001.
- 2.From the Collector,Khammam;Letter Rc..No.F1/CMA/11/1999 Dated 16.10.2002..

ORDER:

In the reference first read above Sri Kasturi Krishnaiah has filed Revision Petition through his Counsel, before the Government, against the order of the Agent to Government, Khammam in CMA .No. 11/1999 ,dated 1.6.2001 in respect of land of Acs.2.00 in Sy..Nos.18/1/Dha situated in Narsapuram village of Chandrugonda Mandal. After examination of the matter, notices notices have been sent to both the petitioner and his Counsel to attend the hearing on 16.12.2002. The Counsel for the petitioner has appeared and presented his arguments in line with the R.P filed before the Government. The main contention of the Counsel for the petitioner is that the purchase of the land in question by the petitioner is from non – tribals before coming into existence of the Andhra Pradesh Scheduled Areas Regulation I of 970 and as such the sale transaction in favour of the petitioner is not hit by the provisions of Regulation, 1970 and as such the order of eviction of the petitioner from the petition scheduled land is unsound and untenable in the eye of law. He has therefore, prayed to set aside the order of the Agent to Government Khammam.

2. On examination of the records and material papers connecting to the revision petition.,this Court made the following observations:-

- 1.As per pahani extract furnished by the appellant it is clear that the appellant was never in possession of suit schedule land for the crucial period of LTR Regulation 1/59 r/w regulation 1/70 came into force. He failed to substantiate the possession over the suit land by producing Documentary evidence..
- 2.The appellant neither filed the registered sale agreements nor the original copies of sada sale agreements in respect of the suit scheduled land said to be made prior to promulgation of the LTR provisions. Sada sale agreement is not acceptable as per the Law.
- 3.The appellant failed to produce the corroborative evidences such as authenticated land revenue receipts in having possession over the suit schedule land and L.R paid to the Government for the land held by him to substantiate his legal right over the suit schedule land
- 4.It is proved that the appellant has no corroborative evidences to establish his right over the suit schedule land and it is held proved that the transfer of the suit schedule land was made in contravention of sub – section (1) of Section (3) of LTR provisions 1/59 r/w Regulation 1/70.

3. In view of the above position, the Government see no reason to interfere with the order Dated 1.6.2001

in CMA No.11/1999 of the Agent to Government Khammam in confirming the order dated 31.12.1998 of the Special Deputy Collector (TW), Paloncha. In the result of the order of the Agent to Government, Khammam is upheld and the R.P filed by Sri Kasturi Krishnaiah is dismissed. The Counsel for the Revision petitioner is requested to inform his client accordingly.

4. The Collector, Khammam is requested to take necessary further action in the matter

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,
Secretary to Government.

To
Sri M.Rajamalla Reddy
Advocate, Plot No.22, Pragathi Nagar,
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Ramanthapur, Hyderabad 500 013.

Sri Kasturi Krishnaiah
S/o Ramaiah
R/o Abbugudem village,
Chandrugonda Mandal, Khammam district
The Collector, Khammam district (with records)
1.SDC(TW) Bhadrachalam case File No.270/94/CHG,
Containing pages CFP106, NFP.2, Total pages 108.
2.Agent to Government, Khammam Case file No.CMA/11/99 containing pages
CFP.88 NFP.8 Total pages 96.
The Special Deputy Collector (TW) Bhadrachalam Khammam district.

Forwarded::by order::

SECTION OFFICER