

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Tribal Welfare – Revision Petition filed by SriKommu Ashanna under section 6 of A.P Scheduled Areas Land Transfer Regulation, 1959 against the order of the Agent to Government, Adilabad in Case No.D4/Ag/S/2000 dated 29.7.2001-Disposed of – Orders Issued.

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### Social Welfare ( L.T.R.2) Department

**G.O.Ms.No.17.**

**Dated:7.3.2003.**

Read the following:-

- 1.From Sri K.Narender Kumar, Counsel for the petitioner R.P dated 8.10.2001.
- 2.From the Collector, Adilabad Ir.Rc.No.D4/113/2002 dated 28.3.2003.
- 3.Govt.Lr.No.1664/LTR.2./2001-18, dated 28.10.2003.

### ORDER:

Sri Kommu Ashanna has filed Revision Petition before the Government against the order dated 29.7.2001 in case No.D4/Ag/S/2/2000 of the Agent to Government, Adilabad . After examination of the case records and material papers notices have been sent to the concerned to attend the hearing of the Revision Petition on 8.7.2002. After few adjournments the Revision Petition came up for hearing on 11.11.2002 . Arguments from both the Advocates have been heard. The Counsel for the respondent has requested for 7 days time to file written counter. The time has been allowed up to 27.11.2002.

The counsel for the respondent has appeared on 27.11.2002 and filed written arguments.

2 .The Counsel for the petitioner has adduced that the respondent herein has encroached the land of the petitioner on the Western side of his remaining land and therefore requested for ejection of the respondent from the scheduled land and also to set aside the orders of the lower courts. The Counsel for the respondent has argued that the petitioner has sold the land of Acs.0.3 1/4 Guntas in Sy.No. 446/1/1 situated in Utloor village through an un-registered sale deed Dt.5.8.1997 to the respondent and since then he is denying to register the petition scheduled land in his favour and therefore here requested to dismiss the revision petition which deserves no consideration.

3. On examination of the records and material papers it is found that the petitioner has sold the petition scheduled land to Sri Jadav Ramana Rao who is a tribe through un-registered sale deed dt.5.8.1997. Sri Kommu Ashanna has filed complaint before the lower courts stating that the respondent illegally occupied his land and requested for ejection from the petition scheduled land. The petition scheduled land is situated in scheduled area. The vendor is a non-tribe and the vendee is a tribe in this case and as such the transaction does not fall under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with the Regulation 1/1970. The Agent to Government Adilabad ought not have booked the case under the provisions of Land Transfer Regulation. The question relating to registration of the petition scheduled land is a civil matter between the appellant and the respondent. Hence Government see no reason to interfere in the matter. The appellant and the respondent are directed to settle the matter in a Civil Court regarding the validity and enforceability of the unregistered sale deed. With the above direction the revision petition filed by Sri Kommu Ashanna is disposed of.

4. The Counsel for the revision petitioner is requested to inform his client accordingly.

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

**C.R.BISWAL,**

**Secretary to Government.**

To

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Copy to:

The Collector, Adilabad (with original record (By RPAD)

(File No.D4/Ag/S/2/2000 containing total pages 230.

The Special Deputy Collector (TW), Utnoor, Adilabad district.

Sri Kommu Ashanna, S/O.Ushanna, Utnoor village and Mandal,

Adilabad district.

Sri Jadhav Ramana Rao, S/O. Ambaji Jadhav,

H.No.10-74, Main Road, Utnoor village and Mandal, Adilabad district.

SF.SC.

**:: Forwarded:: by Order::**

**SECTION OFFICER**