

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare -Land Transfer Regulation - Revision Petition filed by Smt.Md.Asujunnisa Begum,W/O Yusuf, R/O.Kannapuram(V), Koyyalagudem (M), W.G.District against the order Dated 30.6.2001 in SRA.No.18/88 of the Agent to Government, W.G. District- Dismissed-Orders issued.

SOCIAL WELFARE (LTR-1) DEPARTMENT

G.O.Ms.No.22

Dt.18-03-2003.

Read the following:-

1. From Sri Y.V.Ravi Prasad, Counsel for the petitioner R.P. Dt.13-7-2001.
2. From the Collr., W.G.Lr.Roc.No.T4/7401/2002 Dt.5-11-2002.
3. Govt.Lr.No.11951/LTR.1/2001-7 Dated::26-11-2002.

ORDER:

Smt.Md.Asujunnisa Begum has filed revision petition before the Government through her Counsel in the reference first read above against the order dated 30-6-2001 in SRA.No. 18/88 of the Agent to Government, West Godavari in confirming the order dated 22-11-1988 in SRA.No.22/87 of the Special Deputy Collector (TW), K.R.Puram in respect of land of Acs. 1.75 in R.S.No.31 situated in Achayyapalem village of Buttaigudem Mandal . After examination of the case records and material papers, notices have been issued to the concerned to attend the hearing on 9-12-2002. The counsel for the petitioner has appeared on 9-12-2002 and requested to postpone the hearing for one week to produce certain records. The Revision Petition has finally come up for hearing on 16-12-2002 . The counsel for the petitioner has appeared and presented his arguments which are as follows:-

- a) The order of the SDC(TW), K.R.Puram is contrary to law, weight of evidence and probabilities of the case.
- b) The transaction in respect of the land is originally between hill tribe and another hill tribe (Madiga) and therefore it is transferred in favour of a non-tribe but before Regulation, 1970 came into force and as such the transaction is perfectly valid.
- c) The appellant purchased the property under a registered sale deed on 10-12-1962 i.e long prior to the commencement of Regulation 1/1970 and at that time there was no bar to transfer the property from a non-tribe to a non-tribe and hence the transaction is valid.

2. On perusal of the records and material papers it is found that originally the land was held by tribals . Subsequently it has come into the possession of the non-tribals which is contrary to the provisions of the A.P.Scheduled Areas Land Transfer Regulation, 1959 read with Regulation 1/70. According to the orders of the lower courts the petitioner who is a non-tribe had purchased the petition schedule land from another non-tribe

Sri.Vijayarama Raju under registered sale deed dated 10-12-1962 and there is no documentary evidence regarding purchase of the property from tribal to non-tribal .The property came under possession and enjoyment of the non-tribals by violating the provisions of Section 3(1) (a) of A.P.Scheduled Areas Land Transfer Regulation, 1959 read with Regulation 1/70.

3. After careful examination of the matter, Government see no reasons to interfere with the orders of the lower courts. Therefore the order dated 30-6-2001 in SRA.No.18/88 of the Agent to Government, West Godavari district in confirming the order dated 22-11-1988 in S.R.A.No. 22/87 of the Special Deputy Collector (TW),K.R.Puram is upheld and the revision petition filed by Smt.Md.Asujunnissa Begum is dismissed.

4. The Counsel for the petitioner is requested to inform his client accordingly. The Collector, West Godavari district is requested to take necessary further action in the matter.

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

C.R.BISWAL

SECRETARY TO GOVERNMENT

To

Sri.Y.V.Ravi Prasad ,Adocate,

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Kaladera Road,New Malakpet,

Hyderabad-36 (By Regd. Post)

The Collector, W.G.District, Eluru.(with enclosers original records)

1.SRA.No.18/88 containing pages CF.1 to 88, NF.8 on the file

of the Agent to Govt West Godavari , Eluru.

2.SRA.No.22/87 containing pages 1 to 39 of the Special Deputy

Collector (TW),K.R.Puram.(By Regd Post)

The Special Deputy Collector (TW),

K.R.Puram, W.G.district,Eluru.

The Mandal Revenue Officer,

Buttaigudem Mandal, W.G.District

Asujunnissa Begum,W/O Yusuf,

Kannapuram (vg),Koyyalagudem (Mandal),

W.G.District, Eluru.

SF/SC.

//Forwarded::By order//

SECTION OFFICER
