

1982-AP-1., Gaddam Narsa Reddy and others vs. Collector, Adilabad and others) has held that the amended Regulation is only prospective and not retrospective. It is further held that the question whether transfers made prior to coming into force of the amended Regulation, 1970 are not valid either for want of registration under the Registration Act or for non-compliance of the provisions of Sections 47 or 50-B of the Hyderabad Tenancy and Agricultural Lands Act and whether the transferee would be entitled for protection under Section 53-A of the Transfer of Property act can only be gone into a Forum constituted for deciding such questions in respect of the lands in scheduled areas. The said authoritative pronouncement of the Honourable High Court of A.P has been confirmed by the Supreme Court of India in a case reported in 1996-SC-224.

- d) The Honourable High Court of A.P.(reported in 1999(6) ALD 718.Kodanda rao vs. Collector, Khammam in W.P.Nos.5684/1988 and 15544/1989) held that the validity of the sale or otherwise has to be decided only by a competent Court and in other words, if there is any sale, which is in contravention of the Registration Act etc., it is only for the appropriate Court to decide its validity and no such powers are conferred on the authorities under the Regulations. The authorities have to simply see whether there are any transfers between the tribals and non-tribals or between tribals and tribals only after the commencement of the Regulations and if they are not in accordance with the Regulations, then declare such transfers as void in terms of the Regulations.
- e) The Court of the Special.Deputy.Collector(TW), Adilabad has ordered eviction without taking into consideration the petitioner's legal possession over the p.s.land, against which the petitioner filed revision petition before the Agent to Government, Adilabad. The Agent to Government, Adilabad also in a routine and mechanical manner dismissed the petition. In fact the orders passed by the Agent to Government, Adilabad were not even served on the petitioner.

2. In view of the legal position explained above, the Counsel for the petitioner has prayed to allow the revision petition and to set aside the impugned order dated 19-04-1990 of the Agent to Government, Adilabad in confirming the order dated 21-12-1984 of the Special Deputy Collector(TW), Adilabad district.

3. A perusal of the records and material papers shows that the p.s.land was purchased by the petitioner's father during the year 1969 through a sada sale deed which is not valid. The Court of the Special Deputy Collector(TW), Adilabad held that the said land was registered on 29-04-1970 after the amended Regulation 1/70 came into force and as such the transaction is not valid. The lower court has also held that name of the petitioner is recorded in the cultivator's column No.16 by rounding off the name of Sri Raghavulu in the year 1969-70 which is not attested and in fact entails enquiry and criminal action if warranted against all concerned. Further the sada sale deed dt.25-02-1969 cannot be accepted for evidence under section 35 of Indian Stamp Act. The p.s.land was registered after the amended Regulation 1/70 came into force, which is not valid. Therefore there was no valid transfer in accordance with the regulations.

4. In view of the above circumstances the Government see no reason to interfere with order dated.19-04-1990 passed in case No.D4/Ag/80/84 by the Agent to Government, Adilabad in confirming the order dt.21-02-1984 of the SDC(TW), Adilabad. As a result the Revision Petition filed by Smt.Meher Banu is dismissed and the order of the Agent to Government, Adilabad is confirmed.

5. The Counsel for the Petitioner is requested to inform his client accordingly. The Collector, Adilabad is requested to take necessary further action in the matter.

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

M.CHAYA RATAN
PRINCIPAL SECRETARY TO GOVERNMENT

To,

Sri Raghuveer Reddy, Advocate, H.No.3-5-170/A/ near Water Tank,
Narayanaguda, Hyderabad.

The Collector & District Magistrate, Adilabad(w.e)(Original files)(ByRPAD)

1)SDC(TW), Utnoor file No.TW/A2/1229/84.

2)Collector, ADD file No.D4/Ag/80/84.

The Special Deputy Collector(Tribal Welfare), Adilabad.

Copy to:The Project Officer, Integrated Tribal Development Agency, Utnoor,
Adilabad.(for information and necessary action).

“ The Sub-Collector, Utnoor, Adilabad (for information and necessary action.)

//FORWARDED::BY ORDER//

SECTION OFFICER