

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

Petition(s) for Special Leave to Appeal (Civil) No.19477/2002

(From the judgement and order dated 14/12/2001 in CRP 621/2001
of The HIGH COURT OF A.P AT HYDERABAD)

STATE OF A.P.

Petitioner (s)

VERSUS

SOMU SUNDARARAO @ LAXMINARAYANA
(With prayer for interim relief)

Respondent (s)

With SLP(C)Nos.24697/2002, 7875/2003, 7254/2003, 8905/2003,
SLP(C)No.9899/2003, 761/2003 - (With prayer for interim relief)

SLP(C)Nos.11986/2004, 13435-13436/2004 - (With appln.(s) for
c/delay in filing SLP and c/delay in refiling SLP and with prayer
for interim relief and office report)

Date : 29/10/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Manoj Saxena, Adv.
Mr. Mohanprasad Meharia, Adv.
Mr. S.K. Mitra, Adv.

For Respondent (s)Mr. L.N. Rao, Sr.Adv.
Mr. D. Bharat Kumar, Adv.
Mr. G. Venkatesh, Adv.
Mr. Abhijit Sengupta,Adv.

Mr. M.N. Rao, Sr.Adv.
Mr. Vidya Sagar, Adv.
Mr. A. Ramesh, Adv.
for Mr. B.D. Sharma, Adv.

Mr. L.N. Rao, Sr.Adv.
Mr. R. Santhan Krishnan, Adv.
Mr. G. Sateesh, Adv.
Ms. K. Radha Rani, Adv.
for Mr. D. Mahesh Babu, Adv.

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Mr. D. Ramakrishna Reddy, Adv.
Mr. G. Venugopal, Adv.
Ms. Asha Gopalan Nair, Adv.

Mr. P.S. Narasimha, Adv.
Mr. Ananga Bhattacharya, Adv.
for M/s. P.S.N. & Co., Advs.

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

Delay condoned.
Leave granted.
The appeals are allowed in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVILL APPELLATE JURISDICTION

CIVIL APPEAL NO.7003 OF 2004
(Arising out of SLP(C)No.19477/2002)

STATE OF A.P. ... APPELLANT
VERSUS

SOMU SUNDARARAO @ LAXMINARAYANA ... RESPONDENT

WITH

C.A.NO.7004 of 2004 @ SLP(C)NO.24697 of 2002
C.A.NO.7005 of 2004 @ SLP(C)NO.7875 of 2003
C.A.NO.7006 of 2004 @ SLP(C)NO.7254 of 2003
C.A.NO.7007 of 2004 @ SLP(C)NO.8905 of 2003
C.A.NO.7008 of 2004 @ SLP(C)NO.9899 of 2003
C.A.NO.7009 of 2004 @ SLP(C)NO.761 of 2003
C.A.NO.7010 of 2004 @ SLP(C)NO.11986 of 2004
AND C.A.NOS.7011-7012 of 2004 @ SLP(C)NOS.
13435-13436 of 2004

O R D E R

Leave granted.

The State of Andhra Pradesh filed appeals before the Land Reforms Appellate Tribunal questioning the validity and correctness of the orders passed by the Land Reforms Primary Tribunal. The proceedings relate to the declarations filed by the respondents in regard to the ceiling are as under the provisions of Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. There was delay in filing
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the appeals. Hence, the State also filed applications seeking condonation of delay. The Appe

llate Tribunal condoned the delay on being satisfied that sufficient cause was shown. The respondents, aggrieved by and not satisfied with the order made by the Appellate Tribunal condoning delay, approached the High Court by filing civil revision petitions. The High Court, by the impugned orders, set aside the order made by the Appellate Tribunal condoning the delay, observing that there was no good ground for the Appellate Tribunal to condone the inordinate delay. Hence, the State is before us in these appeals questioning the validity and correctness of the impugned orders passed by the High Court.

The learned counsel for the appellant-State urged that the High Court ought not have interfered with the orders made by the Appellate Tribunal in its discretion to condone the delay in filing the appeals, having regard to the facts and circumstances of the case. He added that in the interest of justice, having regard to the subject matter of the appeals, the Appellate Tribunal was right in condoning the delay to hear the appeals on merits.

Per contra, the learned counsel for the respondents urged that no fault can be found with the impugned orders; the High Court was right in interfering with the orders
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passed by the Appellate Tribunal, when obviously there was no good ground to explain the delay. They pointed out that affidavits filed in support of the applications seeking condonation of delay were stereotyped; in the absence of satisfactory explanation, delay ought not have been condoned by the Appellate Tribunal. One more contention urged was that the Limitation Act did not apply to the proceedings before the Tribunal as the Tribunal is not a court. We may state here itself that the last point was not urged before the Appellate Tribunal or before the High Court.

When the Appellate Tribunal, having regard to the facts and circumstance of the case and looking to the subject matter of the appeals, condoned the delay in its discretion on being satisfied with the cause shown, in our view, the High Court was not right in interfering with such order passed by the Appellate Tribunal, exercising its revisional jurisdiction. No doubt, it appears that the officers of the State did not act diligently and on this count the delay was caused, but, in the larger public interest, that delay having been condoned by the Tribunal, the High Court ought not have interfered with such an order.

Under the circumstances, we allow these appeals, set aside the impugned orders and restore the orders passed by
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the Land Reforms Appellate Tribunal, in other words, now the appeals shall be heard by the Land Reforms Appellate Tribunal on their merits. All the contentions of the parties are left open to be urged before the Land Reforms Appellate Tribunal as regards the merits of the matters.

Having regard to the passage of time, we direct the Land Reforms Appellate Tribunal to dispose of the appeals as expeditiously as possible.

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

.....J.
[B.N. SRIKRISHNA]
New Delhi,
October 29, 2004.