

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4647 OF 2024
(Arising out of SLP(Civil) No.1305/2015)

THE AUTHORIZED OFFICER
LAND REFORMS TRIBUNAL & ANR.

APPELLANTS

VERSUS

MANDAVA UMAMAHESWARA RAO & ORS.

RESPONDENTS

WITH

CIVIL APPEAL NO.4648 OF 2024
(Arising out of SLP(Civil) No.7970/2024)
[Diary No(s).17303/2023]

O R D E R

1. Delay condoned.
2. Leave granted.
3. These two appeals are directed against the judgment dated 15.03.2013 passed by the High Court of Judicature of Andhra Pradesh at Hyderabad, whereby the orders dated 23.02.2001 and 07.06.2003 of the Revenue Divisional Officer-cum-Land Reforms Tribunal, Medak and the Land Reforms Appellate Tribunal-cum-II Additional District Judge, Sangareddy, Medak District, respectively have been set aside to the extent that these orders affected the

rights of the private respondents. However, liberty has been granted to the State to take action by invoking Section 9(A) of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (in short, "1973 Act") as amended in the year 2012.

4. Late Syed Ahmed Ali Khan owned a large chunk of land measuring 2168.42 acres in two villages of Medak District. After his demise in 1960, the lands were apportioned among his three legal heirs, namely, two sons and one daughter. The three legal heirs of Syed Ahmed Ali Khan executed an agreement of sale on 24.06.1960 to sell the entire land in favour of 33 purchasers and delivered possession of the subject-land to them in part performance of the contract. Two of the legal heirs, namely, Syed Ikramuddin Ali Khan (son) and Smt. Syed Azizunnisa Begum (daughter), who together had a 60% share in the land, further executed a registered sale deed on 24.11.1961 in favour of the 33 purchasers referred to above. The sale deed was executed after obtaining permission under Sections 47 and 48 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. However, the third legal heir, namely, Syed Mohammed Ali Khan, who had a 40% share, did not execute any sale deed in favour of the purchasers under the agreement of sale, though all of them continued to be in peaceful, uninterrupted physical possession of the entire

land.

5. The 1973 Act came into force w.e.f. 01.01.1975. The 1973 Act contemplated a declaration to be made by the landowners regarding the land owned by them within the permissible limits as per the Act. It further stated that the land which was to be declared as surplus was to vest in the State. Such an exercise took place in 1975, and the subject-land was treated and declared to be the holding of the purchasers, some of whom are private respondents before us. The said status remained uninterrupted till 1991-1993, when Syed Mohammed Ali Khan filed a fresh declaration under the 1973 Act before the Additional Revenue Divisional Officer, declaring the surplus land to the extent of 19.2459 standard holdings. This declaration was made on the premise that a 40% share of the land of Syed Mohammed Ali Khan, which had already been sold to 33 purchasers (including the private respondents way back in 1960-1961), was still holding in the hands of Syed Mohammed Ali Khan within the meaning of Section 8 of the 1973 Act.

6. The private respondent-purchasers objected to that declaration, which led to the passing of the impugned orders dated 23.02.2001 and 07.06.2003 by the statutory authorities under the 1973 Act. These two orders were challenged by the purchasers, namely, the private respondents before the High Court, and vide the impugned

judgment, the High Court, after a deep analysis of the entire record, has held as follows:

"Therefore, I hold that the State cannot reopen the holdings of the petitioners/purchasers under the guise of computing the holding of Syed Mohammed Ali Khan and compel the petitioners to surrender Ac.231.68 cts to the State or to Syed Mohammed Ali Khan. Admittedly the decisions in Mohd. Ashrafuddin (1 supra) and M. Lakshmi Devi (2 supra) were delivered in 1982 and 1993, long after the holdings of the petitioners under the Act were computed in 1975 and had attained finality. Therefore, these decisions cannot be applied to reopen the holdings of the petitioners/purchasers long afterwards in considering the holding of Syed Mohammed Ali Khan (as was done in the order dt.03.08.1999 in C.R.P. No.1757/1995). The said order, in my opinion has to be treated as an order passed (coram non judic as it would result in review of the orders passed by the competent authority under the Act computing the holdings of the purchasers and reopening the computation of their holdings under the Act which is impermissible and prohibited. This Court cannot, by such order, confer jurisdiction which is non-existent on the Land Reforms Tribunal."

7. The High Court has further held:

"It is admitted by the State that it had not challenged the computation of holdings of the purchasers/petitioners made in 1975 by the competent authority under the Act. Even Syed Mohammed Ali Khan had never challenged the computation of holdings of the purchasers/petitioners at any time. Therefore, neither he nor the State can collaterally attack the same under the guise of computing the holding of Syed Mohammed Ali Khan pursuant to the declaration filed by him in 1991."

8. We have heard learned senior counsel appearing on behalf of State Authorities as well as learned counsel for the other appellants at a considerable length.

Learned counsel for the private respondents has also been heard. The relevant documents have been perused with their able assistance.

9. In our considered opinion, the above-reproduced findings of fact returned by the High Court are based upon the correct interpretation of the provisions of the 1973 Act read with the undisputed facts, namely, that the entire subject land was sold to the private respondents way back in 1960-1961. They were put into physical possession thereof in part performance of the sale agreement. The said agreement was substantially honoured by two owners, who executed the registered sale deed also, whereas the third one neither made any attempt to question their title or possession nor he ever asserted his own title soon after the 1973 Act came into force or when statutory declaration was required to be filed in the year 1975. His subsequent attempt to reopen the issue by submitting a fresh declaration in 1991-1993 was clearly barred by the statutory mandate of Section 53A of the Transfer of Property Act, 1882.

10. It goes without saying that the impugned judgment of the High Court neither intends nor will affect the land, which has already been declared surplus in the hands of the purchasers at the time when the 1973 Act came into force, as they themselves had voluntarily declared and surrendered the surplus land in 1975 in

accordance with provisions of the 1973 Act.

11. We, thus, do not find any merit in these appeals which are, accordingly, dismissed.

.....J.
(SURYA KANT)

.....J.
(K.V. VISWANATHAN)

New Delhi;
April 02, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).1305/2015

(Arising out of impugned final judgment and order dated 15-03-2013 in CRP No.5920/2003 passed by the High Court Of A.P. At Hyderabad)

THE AUTHORIZED OFFICER LAND REFORMS TRIBUNAL & ANR. Petitioner(s)

VERSUS

MANDAVA UMAMAHESWARA RAO & ORS.

Respondent(s)

(IA No.1/2015 - CONDONATION OF DELAY IN FILING, IA No.2/2015 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

WITH

Diary No(s).17303/2023 (XII-A)

(IA No. 127242/2023 - CONDONATION OF DELAY IN FILING, IA No.127244/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. D. Rama Krishna Reddy, Adv.
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For Respondent(s) Mr. Anand Padmanabhan R., Sr. Adv.
Mr. V. Sridhar Reddy, Adv.
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Mr. Abhijit Sengupta, AOR

Mr. Krishna Dev Jagarlamudi, AOR

Mr. Sadineni Ravi Kumar, AOR
Ms. Isha, Adv.

Mr. Sanjay Jain, AOR

Mr. D. Rama Krishna Reddy, Adv.
Mr. Nishant Sharma, Adv.
Ms. Adviteeya Sharma, Adv.
Mrs. D. Bharathi Reddy, AOR

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

1. Delay condoned.
2. Leave granted.
3. The appeals are dismissed in terms of the signed order.
4. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)

(signed order is placed on the file)