

IN THE COURT OF THE MANDAL REVENUE OFFICER: BALANAGAR MANDAL :
E.S. DISTRICT

PRESENT: M. NARSIMHA REDDY.

No. B/1159/93

Dated: 23-4-1994

BETWEEN :

1. Sri Varikoppula Ramaiah
son of Ramaiah
 2. Smt. Varikoppula Durgamma
wife of Ramaiah
- ... PETITIONERS

AND

Sri Sathish Modi

... RESPONDENTS

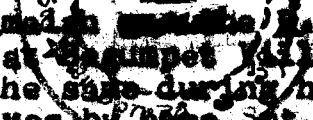
The petitioners herein have filed a petition on 18-6-1993 U/s 38 (1) of A.P.(TA) Tenancy and Agril. lands Act, 1950 restraining the respondents herein not to interfere into the possession over the Sy.No.37 situated at Begumpet Paigah Village. Interim orders were passed on 19-7-1993 restraining the respondents and his agents from interfering possession of the petitioners herein who are the P.Ts., over the suit lands till 21-8-1993. Sri D. Ramahander Rao, Advocate filed Vakalat on behalf of the petitioners.

On 21-8-1993 Sri G. Balagopal, Advocate filed Vakalath on behalf of the respondents on 4-9-1993 Sri Shankar Rao Neemkar filed Vakalath on behalf of Sri P. Sudarshan as third party, later on he has not appeared and also not filed any petition for impleading as third party as interested in the above case.

The respondent filed counter on 18-9-1993 denying all the averments made by the petitioner in their petition. He has denied that there is a P.T. over the Sy.No.37 of Begumpet Village by name Varikoppala Ramaiah nor it was enjoyed the said suit land by his two wives Smt. Durgamma the petitioner No.2 herein and Smt. Marsamma. He also denied that the petitioner No.2 wife Late Varikoppala Ramaiah and the petitioner No.1 are the l^{rs}. of Ramaiah and also denied sanction of P.T. rights in favour of petitioner herein. It is also been denied that K^{ms} Lakshman, Yadagiri and Marsamma have relinquished their 1/2 share P.T. rights over the suit land in favour of the petitioner herein as alleged in Case No.B/3/93, dated 19-3-1993 and also delivery of the possession of the suit land to the petitioner herein by Sri Yadagiri, Lakshman. It is further stated that there are civil cases pending against Lakshman and Yadagiri and Gurudev Sidda Peeth and obtained decree of declaration from the Civil Court against Lakshman and Yadagiri. Therefore the present proceedings initiated are to get over the effect of Civil Suit and requested to dismiss the petition.

On 18-10-1993 the learned counsel for the petitioner filed written arguments whereas the counsel for the respondent sought permission for filing documents. During the pendency of the case the petitioner herein have filed a petition U/s 19 A.P. (TA) Tenancy and Agril. lands Act, 1950 stating that originally

P.T.O.



Sri Varikeppala Ramaiah (deceased), P.T. over the land bearing Sy.No.37 situated at Begumpet Village and he was in possession and enjoyment of the same during his life time. Late Varikeppala Ramaiah got two wives by name Smt. Durgamma 1st wife petitioner No.2 herein and Narsamma 2nd petitioner No.1 is son of Late Varikeppala Ramaiah through 1st wife and Sri Lakshman and Yadagiri sons of Second wife Narsamma. The petitioners have further stated that due to their work they used to live at Narasapur, Medak Di tract for a quite a longer period and during this period Sri Lakshman and Yadagiri son of 2nd wife of Late Ramaiah represented themselves as they were among the legal heirs of Late Ramaiah and got dismission of P.T. Rights U/s 40 of the A.P. (TA) Tenancy and Agril. Lands Act, 1950 ignoring the petitioner herein as L.Rs. Therefore the Petitioners herein have filed a petition before the Mandal Revenue Officer, Balanagar against the orders of the Tahsildar, Vallabhnagar, dated 21-12-1984 in file No.B/3331/84 and Mandal Revenue Officer has granted succession in favour of the Petitioners herein to an extent of 1/2 share by an order, dated 21-3-1992 in file No.B/129/92 excluding 1/2 share of V. Lakshman and Yadagiri and Narsamma (died). Later on Sri V. Lakshman and Yadagiri have relinquished of their 1/2 share of P.T. Rights in favour of petitioners herein by a release deed dated 23-11-1992 and the Mandal Revenue Officer, Balanagar has accepted the same by an order dated 9-3-1993 in file No.B/3/1993 and granted absolute rights of P.T. in favour of the petitioners herein over Sy.No.37 of Begumpet Village. The petitioner herein further stated that they came to know the respondents have purchased the suit land for the purpose of Educational Institution and the respondents also requested them to relinquish P.T. Rights in favour of the Trust under the name and style Gurudev Sidda Peeth represented by the Trustee who is respondent herein, so that the suit land can be utilised for the Welfare of the Society and the petitioners herein have relinquished their P.T. Rights in favour of Gurudev Sidda Peeth for Welfare activities and the Trust. This petition was filed through Sri Ramchander Rao, Advocate.

The petitioner herein have also filed a separate petition along with an affidavit for the acceptance of surrender of P.T. Rights over Sy.No.37 of Begumpet Village in favour of respondents herein. The petitioner No.1 filed an affidavit reiterating the facts stated in the petition stating that the suit land has been purchased by institution for social environments and voluntarily surrendering the P.T. rights willfully without any coercion as contemplated U/s 19 of A.P. (TA) Tenancy and Agril. Lands Act 1950 and also requested that to close the earlier proceedings filed U/s 32 of A.P. (TA) Tenancy and Agril. Lands Act, 1950. This affidavit was attested by Sri A. Srinivas Reddy, Advocate. I have recorded the statement of Varikeppala Ramaiah son of Ramaiah Ramaiah who has deposed that he himself and his mother Smt. Durgamma are the P.Ts., over the Sy.No.37 of Begumpet Village by virtue of inheritance. Originally Varikeppala Ramaiah was the P.T. over the said land and they have obtained the interim order against the respondent, restraining interfering over the suit land. He further deposed that his mother Durgamma is bedridden and she is not in a position to attend the office, therefore he has filed an affidavit on behalf of his mother also. Sri Satish Modi, respondent herein is the Trustee of Gurudev Sidda Peeth and he himself and his mother have amicably settled the matter with the respondent. Therefore, they are voluntarily surrendered the P.T. Rights in favour of Sri Satish Modi, the respondent herein who is the Trustee of Gurudev Sidda Peeth and the surrender of P.T. Rights are voluntarily, willfully, without coercion as contemplated U/s 19 of the Tenancy Act and requested to accept the surrender of tenancy rights in favour of the respondent herein and also to delete their names from the Tenancy Records of

any manner whatsoever over the suit land. He has been identified by Sri D. Ramachander Rao, Advocate.

Smt. V. Durgamma, wife of Late Ramaiah who is said to be bedridden also appeared later on. She has agreed with the deposition of her son V. Malliah and put her thumb impression on the statement of V. Malliah. She was as identified by Sri D. Ramachander Rao, Advocate and two witnesses. A general notification was issued calling for claims and objections on the above surrender of P.T. rights by Sri Varikoppala Malliah son of Late Ramaiah in respect of suit land bearing Sy.No.37 of Begumpet Village. No claims and objections have been received on the surrender of P.T. Rights by the petitioners herein over the suit land. As per Tenancy record, the name of V. Ramaiah is recorded as the P.T. over the Sy.No.37 of to an extent of 1 acres 35 guntas situated at Begumpet Village. The Ramaiah expired on 12-2-1983. The Tahsildar, Vallabhanagar granted succession of P.T. Right U/s 40 of Tenancy Act in the name of Smt. Narsamma widow and Lakshman and Yadagiri sons of Late Ramaiah on 24-12-1983 in file No.B/3331/84. Later on the petitioner herein has filed the petition before the Mandal Revenue Officer, Balanagar for sanction of succession of P.T. Rights in their favour stating that Late Ramaiah got two wives by names Durgamma and Narsamma and they have got half share of P.T. Rights over the suit lands. The Mandal Revenue Officer, Balanagar by an order dated 21-3-1992 in file No.B/129/92 granted succession in favour of petitioner herein to an extent of half share and remaining half share in favour of V. Lakshman and Yadagiri and Narsamma. Subsequently after death of Narsamma, Sri Lakshman and Yadagiri have relinquished their P.T. rights over the suit land absolutely by a release deed executed on 23-11-1992 in favour of the petitioners herein and the Mandal Revenue Officer, Balanagar has accepted the same and passed orders on 9-3-1993 in File No.B/3/1993 petitioner herein as absolute P.T.'s over the suit land. Now the petitioners and respondents have settled the matter between themselves, since the suit land was purchased the respondents for an educational institution which is meant for the welfare of the Society under the name and style of Gurudev Vidya Peeth. Since the petitioners have surrendered their P.T. Rights voluntarily, willfully, without any coercion, either from the respondent or from third parties, the surrender of Protected Tenant Rights are hereby accepted.

In view of the above discussions, the surrender of Protected Tenant Rights made by the Petitioners herein in favour of the respondent who is represented as Trustee of Gurudev Sidda Peeth is hereby accepted U/s 19 of the A.P.(T.A.) Telangana Agricultural Lands Act, 1950 in respect of the suit lands bearing Sy.No.37 of Begumpet Village. The names of the petitioners herein be deleted from the final Tenancy Register accordingly.

Typed to dictation and pronounced in Open Court on this the 23rd Day of April, 1994.

MANDAL REVENUE OFFICER
Balanagar Mandal
Ranga Reddy District

To

1. Sri V. Malliah and Smt. Durgamma
(thru Sri D. Ramachander Rao, Advocate)
2. Sri Satish Modi(thru Sri C. Bala Gopal, Advocate).