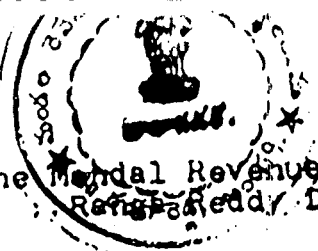


(13)


Proceedings of the Mandal Revenue Officer, Balanagar Mandal,
Rangareddy District.

Present:- Sri G. Narasimha Reddy,
Mandal Revenue Officer,

Case No. B/3/93, dt. 9-3-1993.

Sub:- Tenancy - Balanagar Mandal - Begumpet
Village - S.No. 37 - Succession - Release
of P.T. Rights in favour of Share Holders -
Orders - Issued.

Read: 1. Petition submitted by V. Mallaiah, S/o.
Late Ramaiah, and V. Durgamma wife of
Late Ramaiah, dated 04-01-1993.
2. Written statement filed by V. Laxman and
V. Yadagiri sons of Late Ramaiah.

ORDER:-

This is a case filed by the Petitioners Sri
V. Mallaiah son of Late Ramaiah and V. Durgamma wife of
Late Ramaiah through their Counsel, under Sec. 40(2) of
the Tenancy Act for declaring them as the absolute holders
of the Tenancy Rights held by Late V. Ramaiah.

This case coming up for regular hearing in the
presence of learned Counsels for the petitioners and the
respondents, on perusal of the reconnected records, the
following orders are passed on the material facts and
arguments of the respective Counsels.

The facts in brief are that Sri Varikuppala Ramaiah
was the protected tenant over Survey No.37, measuring 1
Acre 37 Guntas situate at begumpet village. The relevant
records have been perused and found that Varikuppala
Ramaiah is the protected tenant over Survey No.37 of Begumpet
Village. After the death of Ramaiah, the succession was
granted in favour of Sri V. Narasamma, V. Laxman and V.
Yadagiri as legal heirs, by the then Tahsildar, Vallabnagar
Taluk, vide Proceedings No. D.Dis.No.B/3531/84, dt.24-12-84.
Subsequently, the petitioners Sri V. Mallaiah and Smt. V.
Durgamma ~~XXXXXX~~ approached the Mandal Revenue Officer,
Balanagar Mandal stating that late V. Ramaiah had two wives
namely Durgamma and Nursamma and requested to grant
succession in their favour being Durgamma is the first wife
and Mallaiah is the son of Late Ramaiah through the first
wife Smt. Durgamma. The request of these petitioners was

considered by the Mandal Revenue Officer, Balanagar Mandal and the Mandal Revenue Officer granted succession keeping the petitioner namely V. Malliah and Smt. Durgamma as half share holders in the rights of protected tenancy and other half share was ordered to be held by Sri V. Laxman and V. Yadagiri who are the sons of Late Ramaiah through the second wife Smt. Narasamma vide proceedings No. B/129/92, dt. 21-5-92.

The learned counsel for the petitioners argued that as a matter of fact the rights of protected tenancy should have been granted only in favour of Sri V. Malliah and Smt. Durgamma being the legal descendants of Late Ramaiah and further he relied upon the Release-Deed executed by Sri V. Laxman and Sri V. Yadagiri who held half share, in favour of the petitioners V. Malliah and Smt. V. Durgamma; relinquishing their half share in favour of the petitioners and hence the petitioners are alone the protected tenants by virtue of inheritance and survivorship and succession granted by Mandal Revenue Officer on 21-03-1992. Also since because Sri V. Laxman and Sri V. Yadagiri have voluntarily bequathed and released their half share of protected tenancy rights in favour of the petitioners and requested to declare the petitioners as the sole protected tenants over Survey No.37 of Bommpet Village and record their names as the protected tenant for the entire Survey No.37 measuring 1 acres 37 Guntas.

The learned Counsel for the respondents filed written statement almost agreeing with the claim of the petitioners and admitted the Release deed to have executed by them on 23-11-1992 in favour of Varikuppala Durgamma wife of Late Ramaiah and Varikuppala Malliah son of Late Ramaiah.

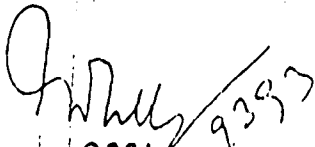
According to Section 40(2) of the Tenancy Act, the rights of protected tenancy devolve inter-sec. Sub-division upon the legal heirs specifically sons and daughters. In the instant case Smt. Durgamma is the first wife of Late protected Tenant V. Ramaiah who is one of the petitioners herein and V. Malliah is the son of Late V. Ramaiah, through the first wife Smt. V. Durgamma, while, the respondents Sri V. Laxman and Sri V. Yadagiri



admit the release of ~~the~~ half share in favour of the petitioners Sri V. Mallaiah and Smt. V. Durgamma, there shall not be any dispute if the release of half share is accepted moreso, there are no third parties interested in this case in regard to the tenancy rights, since the second wife of Late V. Ramaiah also died. The persons succeeded to the rights held by Late V. Ramaiah are the petitioners and respondents here in.

I am satisfied with the release made by the respondents Sri V. Laxman and V. Yadagiri in respect of their half share in favour of Sri V. Mallaiah and Smt. V. Durgamma and the deposition of Sri V. Laxman and Sri V. Yadagiri have been recorded. Hence, the petitioners Sri Varikuppula Mallaiah son of Late Ramaiah and Smt. Varikuppula Durgamma the petitioners herein are declared as the absolute successors to the rights of the protected tenancy over Survey No. 37 of Begumpet village. The names of the petitioners shall be recorded as the protected tenants in the final protected tenancy Register with necessary incorporations as protected tenants.

Pronounced on this the 9th March, 1993.


Mandal Revenue Officer,
Balanagar Mandal, R.R. Dist.

Mandal Revenue Officer
Balanagar Mandal,
Ranga Reddy Dist.

To

1. Sri V. Mallaiah,
son of Late V. Ramaiah.
2. Smt. V. Durgamma, w/o.
late V. Ramaiah.

through their Counsel.

1. Sri V. Laxman,
S/o. Late V. Ramaiah
2. Sri V. Yadagiri,
S/o. Late V. Ramaiah.

through their Counsel.