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BEFORE THE JOINT COLLECTOR, R.R. DIST.

AT: HYDERABAD.

APPEAL NO. D/6908 OF 1997

Between:

1. Godhuma Kunta Bal Reddy,
S/o. G. Yadi Reddy,
aged about 26 years,
Occ: Agriculture.

2. G. Yadi Reddy,
S/o. G. Agaiiah,
aged about 50 years,
Occ: Agriculture

3. G. Malla Reddy,
S/o. G. Agaiiah,
aged about 34 years,
Occ: Agriculture

All are R/o. H.No.6-38, Marriqullah, Mallapur,

Uppal Mandal - R. R. District. **Petitioner/
Appellant.**

V/s.

1. Kankuntla Moguliah,
S/o. K. Narasimlu,
aged about 55 years,
Occ: Agriculture

2. K. Jaggaiiah,
S/o. K. Narasimlu,
aged about 46 years,
Occ: Agriculture

3. K. Narsimlu,
S/o. K. Narsimlu,
aged about 45 years,
Occ: Agriculture

All are R/o. Malla ur, Village, Uppal Mandal

R.R. District. **S. Respondents.**

FILE NO. J/7156/1996

On the file of R.D.O. (East)

Between:

K. Moguliah and two others. **Petitioners**

G. Bal Reddy

Another Petitioner

GROUND OF APPEAL

1. The Petitioner filed this appeal as aggrieved party against the impugned orders passed by the R.D.O. (East).
2. That the Respondent had filed a petition No. J/7156/1996 before R.D.O. east division for grant of occupancy rights in respect of land in sy.No.93, 94, and 95 extent acrs. 2 - 02, 2 - 09 and 8 - 01 gts., situated at Mallapur Village, Uppal Mandal, R. R. Dt.
3. During pendency of above proceedings on 11-3-97 the present Petitioner had filed an application through form No.1. for grant of occupancy rights over the same land claiming as legal heirs of tenant. His grand father Godumakunta Agaiiah is protected tenant. The Petitioner No. 2, 3 and 4 are sons of G. Agaiiah who is P.T. and Petitioner No. 1 is son of Petitioner No. 2. In support of his claim he had submitted extract of protected tenant certificate and esalepahani i.e. 1953-58, pahani for the year of 1960-61, 1973-74 and 1994-95. In the course of proceedings the counsel for the present petitioner filed a undertaking to file Vakalat, but did not file Vakalat.
4. The Honourable R.D.O. failed to observe the documentary evidence filed by the present Petitioner. The Petitioner had filed the same documents which were filed by the Respondent too. As per the contention of the Petitioner, both petitioner and Respondent have rights under the provisions of Protected tenancy.
5. That originally the above said lands in sy. No. 93, 94 and 95 are classified as Pan Maqtha dasthagardan Sri Azaed Ali, Rehman Ali Mohammed Ali, sons of Vazir Ali were Inamdars in respect of above said land. As per the Registered partition deed bearing No.1913 of 1965 dt. 20-12-1965 the said lands fallen to the shares of Rehman Ali and all lands were in possession of the protected tenants.

6. Previously Md. Rehman Ali filed No. D/6733/79 before R.D.O. for resumption of Inam lands under section 44 of tenancy and Agricultural Lands Act, 1950 read with section 4 (4) of A.P. (Andhra State) Inam Abolition Act 1955 for lands bearing sy.No.93(2-32), 94(2-00) and 95 (21-01) situated at Hallapur, Uppal. The said case was ordered on 10-2-1982 due to compromise between Rehman Ali and the present Respondents. According to that compromise the present respondent given up their rights to the extent of Ac.12-32 gts. in sy.No.95 in favour of Rehman Ali. On this order the present R.D.O. passed the impugned order though the compromise in D/6733/79 took place between inamdar and Respondent the inamdar did not compromise with the present petitioner. The present Respondent is also legal heir of protected tenant and they also have equal right along with Respondents.

7. That the file 4/3235/76 an affidavit filed by the said case petitions - Md. Rehman Ali by stating that the present Petitioner are also protected tenants and they have to be implead in this case. But after that the case was compromised between both parties without impleading the present Petitioner.

8. The R.D.O. ought not considered the merits of the case in favour of the Petitioner and did not inspect the actual possession of the land. Moreover the R.D.O. also failed to consider land acquisition proceedings in sy.No.95 against present Petitioner alongwith Respondents in Nos D/1230/96, dt. 18-12-1996, notice of U/s. 12 (2) of land acquisition act. The present Petitioner is filing the copy of notice of award U/s. 12(2) of land acquisition act.

9. That the present Petitioner's father Godhumakunta Agalah who is P.T, who is also in possession of the said lands alongwith Respondents on the crucial date i.e. 1-11-1973 and also presently in possession of said lands. Though the Petitioner filed pahanis to prove high possession the R.D.O. did not consider and pursue

the documents filed by the Petitioner and ultimately he did not consider for grant of occupancy rights in favour of Petitioner. But based on similar documents filed by the Respondent were considered and passed orders in favour of Respondent for grant of occupancy rights at equal share over the lands in Sy.No.93, 94, 95.

10. The present Petitioner agreed with the above orders and filing this appeal against the orders of R.D.O. and during pendency of this appeal, if the R.D.O. and J.R.O. issues occupancy rights certificates, the present petitioner suffers irreparable loss and hardships. The Petitioner is filing an application for grant of stay on the execution of the impugned order till disposal of this appeal and if the ex-parte stay order did not pass he will be subjected irreparable loss. The balance of convenience is in favour of Petitioner and prima facie evidence is also in favour of Petitioner.

11. The impugned order passed on 6-9-97 and the present appeal is filed within the limitation and the Honourable J.C. has jurisdiction to grant reliefs and prayed for.

12. The Respondents are S/o. Koukuntla Narsimlu and the Petitioner is the grand son of Godhumakunta Agalah. As per P.T. records both Koukuntla Narsimlu and Godhumakunta Agalah are P.T. and both parties are equal rights as P.T. in Sy. No.93, 94 and 95 at Mallapur Village.

13. The appellant had paid proper court fees.

Hence it is prayed that the Hon'ble Joint Collector may be pleased to set-aside the R.D.O. (East) orders in No.J/7156/1996 dt. 6-7-97 and grant occupancy rights certificate to the Petitioner to an extent of half share. Who is legal heir of Godhumakunta Agalah in respect of lands in sy.No.93, 94 and 95 (wet) extent Ac. 2-02, 2-09, 21-01 gts. admeasuring Ac. 25 -12 gts. situated

of Village, Taluk Mandal, S/S. 7 of A. T. (Telangana area). Abolition of Income tax 1955 and any other further order or orders in such the Hon'ble Collector may deem fit to be issued in the circumstances of the case.

Controlled by Government.

Place: Hyderabad,

dt. 12-9-1997.

BEFORE THE JOINT COLLECTOR, R.R. DIST

AT: HYDERABAD.

APPEAL NO.

OF 1997

Between:

Godhuma Kunta Bal Reddy

and others

...Petitioner:
/Appellant

V/s.

Koukuntla Mogulalan

and others

... Respondent

THE APPEAL IS FILED U/s. 24 OF
OF A.P. (T.A) ABOLITION OF INAMS

ACT

Filed on:

Filed by:

Address of service:

M/s. O. RAMESH

&

G. Srinivasa Reddy,

11-105, Opp:T.V.st

Ramanthapur,

Hyderabad.