Adm

Dt: 20 -11-2019

To

MD sir

Sub: Documents forAcres 10 at Lalgudimalakpet Agreement holder Mr. Gopal Reddy - Reg.,

Mr.Gopal reddy has given the following documents through Shyam and balance documents he will give later the date is yet to confirm.

1. Certificate of Ownership under section 38-E.
2. RDO case No:L/4173/90.

20/11/19

B.Sitaramanjaneyulu
Liasion Manager

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GCP—2253—28-2-74—6,05,000.

FORM II

No. B/204/LR2/75 (SEE RULES (1)) Dated: 20.5.75

CERTIFICATE OF OWNERSHIP UNDER SECTION 38-E OF THE ANDHRA PRADESH (TELANGANA AREA) TENANCY AND AGRICULTURAL LANDS ACT 1950.

Whereas Shri Vemula Sathaiah and Uppal Rajaiah, ~~Bandaru Ragionettu Ragigo~~ Malligo is the protected tenant of the land specified below belonging to the land holder Sri ~~Mohd. Yousuf~~

And whereas by virtue of Govt. Notification No. G.O. Ms. No. 3, Revenue (G) dated 1st January, 1973 issued under section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, the ownership of the said land stands transferred to the said Sri Vemula Sathaiah and Uppal Rajaiah, Bandary Ragionettu ~~Ragig~~ Mallegi

It is hereby declared that the said tenant ~~Smt~~ as mentioned above shall be deemed to be the owner of the said land with effect from 1st January, 1973 as against the land holder and all other persons having any interest therein.

DESCRIPTION OF THE LAND

Dist.	Tq.	Village	Sy.No.	Pot-Hissa No.	Dry or Wet	Area Ac. Gts.	Assess-ment Rs. P.	Boun-daries
Hyd.	~~Kalyani~~ ~~Malek~~ ~~[illegible]~~ Medchal	Lalgadi Malakpet.	313	—	Wet SC		35-65	
			308	—	Tarta		35-00	
			316	—	Dry		00-09	
			131	—	Wet S.c		27-85	
			311	—	"	28-39	34-55	
			307	—	"		25-64	
			317	—			31-20	
			125	—	Dry		21-00	

Signature [illegible]

Designation Additional Revenue Divisional Officer (Land Reforms)

Taluka Hyderabad East

Note:—Copy to be endorsed to the landholder under rule 5 (2).

IN THE COURT OF THE REVENUE DIVISIONAL OFFICE,
HYDERABAD EAST DIVISION, RANGA REDDY DIST.

Presents : SRI V. CHALAPATHI RAO, M.A.,
Case No: L/4173/90

Between :

Vemula Shiv Narsiah (died)

Per L.Rs.,

1. Lakshminarayana
2. Narsaiah
3. Shivlingam,
4. Bandari Ragichettu Mallaiah
5. Rajamma
6. Chittamma ... PETITIONERS

V/s

Mohd.Yousuf (died) Per L.Rs.,

1. Mohammed Mohsin
2. Mohammed Bee
3. Imam Bee ... RESPONDENT

This case was remanded by appellate authority i.e. the Joint.Collector R.R.District, vide orders No: B1/11443/90, Dt: 16.12.1991, with a direction for considering the point whether the lands under possession 6f the respondent herein are wet lands or dry lands and whether the petitioner herein are having more than two times the area of family holding. As such the appellate authority has set-aside the orders of this Court passed in case No.H/4058/74 wherein ownership Certificate under section 38-E, of the A.P. (T.A.) tenancy and Agricultural lands act, 1950 was granted in favour of the petitioners herein in respect of the land bearing Sy.No.313, 308, 316, 131, 311, 307, 317, & 125, total admeasuring 28 Acres 20 39-Guntas situated at Lalgadi Malakpet, Village, now in Shameerpet mandal of R.R.District., the said order of the appellate authority was passed in accordance with the observations of the Hon'ble High Court of Andhra Pradesh made in the Judgement dt: 17.04.1985 in C.R.P.No. 965/77, which was file by the

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Respondent herein against the orders dt:28.02.1977, of the then appellate authority i.e. the District Revenue Officer, Hyderabad Dist. passed in tenancy appeal No.B-1/4505/75, and this appeal was also preferred by the Respondents herein grrived by the orders passed by this court, in case No.H/405 /74, in which ownership in respect of the above said land was conferred in favour of the petitioners herein and which has now been set-aside by the appellate authority with its orders dt: 16.12.1991. As such the case was taken up on file by issuing notices o both the parties fixing enquiry to 30.01.1992, and adjourned from time to time giving sufficient opportunity to the parties n 30.01.1992,; 22.02.1992 ; 07.03.1992 ; 13.03.1992 ; 09.04.1992 ; 23.04.1992; 06.05.1992 ; 20.05.1992; 20.06.1992 ; 04.07.1992; 20.07.1992, 14.08.1992 ; 05.09.1992 ; 03.10.1992 ; 17,10 1992; 24.00.1992; 05.11.1992 ; 19.12.1992.

Prior to the date of enquiry i.e. 30.01.1992, the respondent herein a file a petition dt:04.01.1992, through their counsel Mohd.Gulam Hussain, in which they have submitted that one Late. Mohd.Yousuf and his two brothers Mohd. Ismail and Mohd.-Abdul Razzak were owners and possessors of the lands bearing Sy.Nos: 125; 131; 307; 308; 311; 316; 317; & 3.3 total admeasuring 28.39 Acres along with some other lands situated at Lalgadi Malakpet village now in Shameerpet Mandal Patta of the said lands stood in the name of Mohd.Yousuf who died on 08.09.1978. The Respondents have referred to the orders of the High Court of A.P. in CRP No.965/77, Dt:17.04.1985 and the orders of the appellate authority i.e. joint collector R.R.District passed on 16.12.1991 or computing correct holding of the Respondent herein with regards to their holding the respondents have submitted that due to wrong classification the lands of the petitioners where treated as wet, but since long time the lands of the petitioners are being cultivated as dry lands in as much as there is no patasthal source for irrigation to the said lands they have further submitted that under rule 55 of the A.P. (Telanga Area) land Revenue rules 1951, the lands classified as Patashthal wet lands, which are not cultivatad as wet for a period of ten years, or more shall be excluded from wet and included in dry lands and " AIN KAMI " (Actual drerease) shall be effected in the Jamabandi, as such all the lands of the respondents herein need to be treated as dry lands for computation of holding and that the total holding of the Respondents is 48-14 Acres only which is less than two time the area of family holding which comes to 108 Acres for dry lands @ 54 Acres a family holding. With regard to protected tenancy of the petitioners, the respondents herein have submitted that the Protedted Tenants are not in possession since 1954, In fact they have surrendered their then tenancy rights and the said land were resumed for personal cultivation under section 44, of the A.P. (T.A.), tenancy Agriculture lands act, 1950., Under the guise of 38-E Certificate the Protected tenants have obtained possession of the lands illegally in 1977. Since the 38 - E Certificates is set aside the respondents herein are entitled to be put back in possession of the said lands. Hence they have requested to treat the said lands as dry under rules 55 of the land Revenue Rules and to put back them in possession.

The counsel for the petitioner herein Sri.Arun Rao, G.M. Tuljapurkar file a petition on 05.09.1992, in which he has stated that the original pattadar in the main case viz.Mohd.Yousuf S/o Faqeer Mohd. and his brothers had already sold the disputed lands in respect of which the present case is filed i.e. the lands bearing Sy.No.313; 316; 317; 308; 125; 339; 382 etc., of Lalgadi Malakpet Village, vide Registered Sale Deed, as document No. 395/70, dt: 03.06.1970, to one Miss.Anasuya Devi D/o P.Laxma Reddy. The counsel has filed a copy of the said document and submitted that in view of the said document after 03.06.1970 on wards neither the said Mohd.Yousuf nor subsequently his legal heirs i.e. the respondent herein have any right or title in the lands the dispute in this case hence he has requested to dismiss

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the case with costs. But the counsel for the respondent herein in his counter dt:03.10.1992, has denied the above allegation. However, he has admitted that the said Anauya Devi had got executed a nominal Sale Deed, dt: 03.06.1970, in her favour by Mohd.Yousuf as the latter obtained loan from Anasuya Devi in the year 1970, but Mohd. Yousuf never parted with possession of the said lands. Since the loan amount has been repaid by the said Mohd.Yousuf the said lands still continued to be in his holdings. But the Advocate for the petitioner i.e. protected tenants in his arguments termed the above Sale transaction made by the Pattadar as a " Benami " transaction and requested to take action under the Benami Transactions (Prohibition) act, 1988, against the respondent herein he has also filed the ruling from AIR 1989, Supreme Court of India, 1247 in Civil Appeal No: 2311 of 1978.

Perused the records and the documentary evidence i.e. certified copy of Sale Deed registered as document No.395/70, dt: 03.06.1970, filed by the petitioners herein. The respondents have not filed any documentary evidence in support of their claim. The above said certify copy of the Sale Deed shows that Sri.Mohd.Yousuf the Pattadar, and Sri.Mohd.Ismail Shikamidar family xecuted it in favour of Miss.P.Anasuya Devi D/o P.Lakshma-Reddy for a consideration of Rs.5,600/- since the lands bearing Sy.Nos. 125; 308; 313; 316; & 333 covered by the above sale deed were having recorded protected tenants viz Vemula Shiva Narsaiah & Uppala Rajaiah as reported by the Mandal Revenue Officer, Shamirpet, in his report No.B/2579/92, dt: 11.1992, the said sale itself becomes invalid, being in violation of the provision made under the tenancy act, 1950. Hence the sale need not be taken account here.

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With regards to the computation of holding of the Pattadar it is reported as 19-19 acres by the Mandal Revenue Officer, Shameerpet, as per the chowfasla for the year 1975-76. But as required under the Rules to grant ownership certificate under section 38-E, of the tenancy Act 1950, the total holding of the pattadar as on 01.01.1973, is to be considered the chowfasla for the year 1972 - 73 which may reveal the total holding of the pattadar in the village is not available as reported by the Mandal Revenue Officer Shameerpet.

However, as per the records the pattadar was having a total extend of 48-24 Acres of lalgadi Malakpet Village as on 01.01.1973, as seen from the worksheet prepared by the special Deputy Tahsildar, in the year 1973 i.e. prior to issue of 38-E, certificate and which is attested by the then Tahsildar, Medchal, which is as detailed below :-

Sy.No.	Area Ac. GTS.	Classification
125	14-20	Dry
131	2-04	Wet
307	1-34	"
308	2-35	"
310	0-06	"
311	2-21	"
312	1-11	"
313	2-24	"
315	0-10	"
316	0-06	Dry
317	2-11	"
321	0-35	Wet
322	0-03	"
323	0-07	"
328	0-[illegible]	"
333	0-06	"
334	0-13	"
337	0-09	Dry
339	10-30	"
392/D	5-14	"
Total	48-24 Acres	

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The very request of the respondent herein is to treat the above wet lands as dry for the purpose of computation of holding under Rule 55 of the A.P. (T.A.) land Revenue Rules 1951, as the lands held by them including the lands in question are being cultivated as dry, as there is no pattas that source for irrigation the said lands. As referred to in the claim of the Respondents they urged that the lands classified as Patasthal wet lands which are not cultivated as wet for a period of 10 years, are more shall be exluded from the wet and included in dry land " ainkanu " (actual drerease) shall be effected in Jamabandi, on this aspect the Mandal Revenue Officer, Shamerpet, in his report referred to above her reported that the lands bearing Sy. No. 313; 308; 131; 311; 307; 317; 310; 312; 315; 321; 322; 323; 328; 333 & 334 are classified as single crop wet lands under the source viz " Malka Cheru " which is having a total ayakut of 328-08 Acres, its one canal viz " Mirra Kaluva, " with which the said lands were irrigated breached beffore 1954 - 55, resulting which the said Sy.No. are not being cultivated under the Malakcheru. The dry cultivation Maize, Jawar etc., is being done during the rainy season. The wet cultivation that is paddy is being cultivated under the agriculture wells which were dug by the pattadars.

In the light of the said report of Mandal Revenue Officer, Shameerpet, it is evident that the lands in question including the land held by the Respondents have not been cultivated as wet under the patasthal source or Govt.irrigation source only dry cultivation has been done all the while, it further reveals that the lands held by the Pattadar were put to dry cultivation even from the year 1950 - 55 itself. The said Rules 55 says.

> Land classed as patasthal wet land, which has not been wet cultivated for a period of 10 year or more due to reason beyond the control of the ryot shall be excluded from wet and included in dry land with the sanction of Collector and " AINKAMI ", (Actual decrese) shall be affected in Jamabandi ".

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The above provision make it crystal clear in the light of the report of the Mandal Revenue Officer Shameerpet referred to above that the lands held by the Pattadar", have been under dry cultivation even prior year 1954-55 therefore under the above provisions the lands are to the excluded from wet and included in dry land as their patashal source was " Mirza Kalwa " of " Malaka Cheruvu ", which breached long ago that is prior 1954-55. Pointing the above as-pect and observing the employed possession under above rules only the appellate authority i.e. the joint collector R.R.Dist. has reminded the case vide orders dt: 16.12.1991, and the enquiry in question itself has become the enquiry with the sanction of the collector as per rule 55, as such I am of the opinion that there is no hitech to treat the land Pattadar which comes to on 01.01.1993, 48-24 acres dry lands, only as which is for below the two times the area of a family holding i.e. 108 Acres in respect of local area concerned. Thus the Pattadar i.e. The respondents herein are not attracted by the provisions made under section 38-E, of the A P. (Telangana Area) tenancy and Agricultural lands acts, 1950 having their total holding less than two family holding since the material available on record and the information furnished by the Mandal Revenue Officer, Shameerpet are very clear the field inspection was felt not necessary. The issue of holding has now being discussed and answered in favour of the Respondents herein the ownership certificate under section 38-E, of the tenancy act, issued earlier by the Additional Revenue Divisional Officer (Land Reforms) Hyderabad East, in respect of the land in question has now becomes infructuos.

Typed to dictation, corrected and pronounced by me in the open court today the 3rd day of February, 1993.

Sd/-
Revenue Divisional Officer,
HYDERABAD - EAST DIVISION.

To

Sri Lakshmi Narayana & Others
(through Sri.Arun Rao G.M.Tuljapurkar,Advocate
H.No: 4-5-723, Esamiyan Bazaar,Hyderabad).

Sri.Mohd.Mohsin and others(through Sri.Mohd.Gulam
Hussain,Advocate,H.No: 15-1-304, Old Feelkhana,Hyd.

Copy to the Mandal Revenue Officer,Shameerpet,Mandal for information and necessary action.

//Certified to be true Copy//

11/10/93