

SUPREME COURT OF INDIA

T. Krishna Reddy

Vs.

M. Bagi Reddy

C.A.No.4384-4385 of 2002

(Tarun Chatterjee and Harjit Singh Bedi JJ.)

08.05.2008

JUDGMENT

Harjit Singh Bedi, J.

1. These appeals arise out of the following facts.
2. The appellant and his predecessors-in-interest were cultivating the suit land to the extent of about 9.2 acres falling under survey No. 357 of Alwal village, Malkajgiri Mandal, Ranga Reddy District in Andhra Pradesh and an ownership certificate under section 38E of the *Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950* had also been issued in their favour. In 1988, the appellants, pursuant to a family partition whereby they had been put in exclusive possession of the suit land, filed an application before the Divisional Revenue Officer for the issuance of a revised ownership certificate under Section 38E and after due enquiry a revised ownership certificate was, in fact, issued. The respondents herein challenged the issuance of the aforesaid revised certificate before the Joint Collector, who dismissed the appeal by his order dated 19th June 1995 and a petition against this said order was dismissed by the High Court and the second appeal filed by the respondents against the order of the Joint Collector was also dismissed on 6th April 2000. The respondents, who are in possession of the adjoining lands being survey Nos.355 and 405, filed a civil suit on 8th April 1996 before the Subordinate Judge Court, Ranga Reddy District seeking permanent injunction against the appellants with respect to the suit land i.e. the land in Survey No.357. The trial court decreed the suit in favour of the respondents herein. Aggrieved by the order of the trial court, the present appellants filed an appeal and the appellate court re-appreciated the evidence and keeping in view the fact that a certificate under section 38E had been issued to the appellants which showed that they were in possession of the land, allowed the appeal. The respondents herein carried the matter in second appeal to the High Court and also filed a petition against the order dated 19th June 1995 passed by the Joint Collector confirming the validity of the certificate granted under section 38E. The High Court dismissed the petition challenging the order dated 19th June 1995 but without framing any substantial question of law, allowed the second appeal filed

against the order of the Civil Court. It is in this circumstance that the present matter is before us.

3. During the course of hearing, it has been pointed out by the learned counsel for the appellants that writ proceedings under the Inams Abolition Act are pending in the High Court and as the outcome of the aforesaid proceedings would have an important bearing on the present matter as well, it would, perhaps, be prudent to remit this matter to the High Court to be heard along with the writ petition. It has been pointed out that in the last paragraph of the impugned judgment of the High Court, the relevance of the Inam proceedings then pending before the competent authority has been recognized by the High Court, and an observation made that they would determine the fate of the dispute. We accordingly allow these appeals, set aside the order of the High Court and direct that this matter be heard along with Writ Petition No.17605 of 2003 pending in the Andhra Pradesh High Court. We clarify that nothing in this order be construed as an expression on the merits of the case.

4. The appeals are allowed accordingly.