

PETITIONER:
STATE OF ANDHRA PRADESH

Vs.

RESPONDENT:
KORUKONDA SURYANARAYANA CHOWDARY

DATE OF JUDGMENT 15/09/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC (6) 80 1995 SCALE (5) 462

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

With regard to the lands covered by the sale deed dated October 16, 1971, pursuant to our directions dated 14.8.1995, the respondent has filed documents to establish that he was under compelling necessity to sell the land to discharge the loans taken from the Andhra Bank since the Bank was proceeding against his property for recovering dues payable to the Bank. Therefore, we find that the sale dated October 16, 1971 was not intended to defeat the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. But with regard to the lands covered by the two agreements of sale, in view of the judgment of the Constitution Bench of this Court and also an earlier judgment, the lands covered under those agreements shall be included in the holding of the purchaser as well as the owner as agreement of sale does not divest the rights in the land. The computation shall be made accordingly.

The appeal is accordingly allowed in part. No costs.