

Commissioner of Wealth-tax, Andhra Pradesh v. Officer-in-Charge (Court of Wards), Paigah

Civil Appeals Nos. 2552-2556 of 1969

[1977] 1 SCR 146 | 1976-08-06

Wealth tax: agricultural land required use, preparation or appropriation, not theoretical capability alone.

Wealth-tax Act, 1957: section 2(e)(i) | Constitution of India: Lists I and II tax entries | Hyderabad/Andhra Pradesh Land Revenue Act: section 50

5-judge bench; unanimous judgment delivered by M. H. Beg, J. | A. N. Ray, C.J. | M. H. Beg, J. | R. S. Sarkaria, J. | P. N. Shinghal, J. | Jaswant Singh, J.

Assessment years: Connected wealth-tax assessments

Historical statutory setting

The case concerns a former wealth-tax exclusion and historical land-revenue evidence; current wealth and land-classification law were not checked.

Fact and procedural limits

Apply the holding only within the facts, statutory text and procedural posture described in the primary report.

No current-law clearance

Later judicial treatment and current statutory applicability have not been comprehensively checked; no current-law or citator clearance is represented.

01 FACTS OF THE CASE

The assessee claimed Hyderabad-area lands, including about 108 vacant Begumpet acres within municipal limits, were agricultural and excluded from wealth-tax assets. The land was capable of cultivation and revenue-classified as agricultural but had not been tilled and was found not intended for agriculture (SCR pp.146-153; PDF pp.1-8).

Source: [Primary judgment: facts](#)

02 DISCUSSION BY THE HON'BLE COURT

Mere theoretical capability would erase the statutory boundary. Actual or ordinary agricultural use, preparation, setting apart, condition and demonstrated intention were relevant. Revenue classification was good prima facie but rebuttable evidence; potential, size, wells and lack of inconsistent use were not conclusive (SCR pp.148-155; PDF pp.3-10).

Source: [Primary judgment: discussion](#)

03 JUDICIAL DECISION

The Court allowed Revenue's appeals, set aside the High Court judgment and remanded for fresh evidence and application of the correct test, with each side bearing its own costs (SCR pp.155-156; PDF pp.10-11).

Source: [Primary judgment: decision](#)

04 OUTCOME / IN WHOSE FAVOUR

Revenue succeeded on the legal standard only; the Court did not finally hold the lands taxable or non-agricultural (SCR pp.155-156; PDF pp.10-11).

Source: [Primary judgment: outcome](#)

05 AKHB REVIEW POINT

AKHB analysis: classify land from objective use, preparation and appropriation plus credible intention. Treat revenue entries as rebuttable evidence and preserve the remand qualification (based on SCR pp.153-156; PDF pp.8-11).

Source: [Primary judgment: review point](#)

SOURCE & VERIFICATION

[Supreme Court Reports scan - public eSCR mirror](#)

Full 11-page SCR source asset read in page-preserving text and visually inspected; adjacent-report boundaries were checked.

[Open cited source rendition](#)

Exact source bytes, SHA-256 and 11-page count match catalogue asset 1977_1_146_156; every page was read and visually inspected.

The source verifies the stated case identity, bench, statutory issue and operative order.

No exact source-hash, asset-ID, SCR-citation, docket or same-judgment match was found in the published corpus or reviewed archive.

STATUTORY SCOPE

The case concerns a former wealth-tax exclusion and historical land-revenue evidence; current wealth and land-classification law were not checked.

LATER TREATMENT

Source checked 2026-10-11. Later judicial treatment and current statutory applicability have not been comprehensively checked; no current-law or citator clearance is represented.

AI DISCLOSURE

This AKHB research note was prepared with AI assistance from the identified primary report and has not been represented as independently human-reviewed.

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