

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

**CIVIL MISCELLANEOUS APPEAL No.1137 OF
2014**

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JUDGMENT:(Per Hon'ble Sri Justice A. Shankar Narayana)

Assailing the order and decree, dated 24-03-2014, in I.A. No.140 of 2013 in O.S. No.88 of 2013, passed by the learned Special Sessions Judge for the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - cum- Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, whereby and where-under the request made by the petitioners, who are plaintiffs in the above suit, under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908 (for short 'CPC'), was refused by dismissing the application, the instant Civil Miscellaneous Appeal is preferred by the petitioners.

2. The appellants herein are the petitioners in I.A. No.140 of 2013 and plaintiffs in O.S. No.88 of 2013 before the Court below, while respondents are respondents in the I.A. and defendants.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the

Court below.

4. One late Mr. Ramdayal was owner and possessor of the agricultural land admeasuring Acs.24-31 guntas comprised in Survey No.9 of Alizapur village, Rajendranagarmandal, Ranga Reddy district, and his name was recorded in revenue records as pattadar and possessor thereof, which fact is not in dispute between the parties as per the averments of affidavit, counter and plaint.

i) Late Mr. Ramlal and late Mr. Seethal Singh alleged to have derived title and possession to the extent of half share each therein. Thus, an extent of Acs.12-16guntas was recorded in the name of late Mr. Seethal Singh, father of respondent No.1, and the other extent of Acs.12-15 guntas in the name of late Mr. Ramlal, immediate ancestor of the petitioners, respectively, in revenue records.

ii) Till 1978-79 and after the death of Mr. Ramlal on 13-10-1996, the petitioners being legal representatives, succeeded to his estate and have been in actual possession thereof. According to the petitioners, subsequently, respondent No.7's name was recorded as possessor of petition schedule land without the knowledge of late Ramlal as well as petitioners based on an impersonated and illegal declaration, besides other

lands comprising survey Nos.87 and 119 of Puppalaguda village, Rajendranagar Mandal in Ranga Reddy district.

iii) The petitioners state that, though, the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act') was enforced in the year 1976, which provisions were not made applicable to the agricultural lands, unless they fall within the peripheral area and included in the Master Plan, late Seethal Singh, with a view to knock away the land belonging to late Ramlal, hatched a plan and filed joint declaration under the provisions of the ULC Act on 08-02-1980 in C.C. No.D1/4806/1976 before respondent No.7 not only in respect of his lands, but also the land belonging to late Ramlal in survey No.9/1 by impersonation as if late Ramlal was his own son, though late Ramlal is a stranger to his family.

iv) According to the petitioners, late Seethal Singh had no son, by name Ramlal. In fact, Ramlal was unaware of such declaration by late Seethal Singh, as he was totally an illiterate and ignorant. The petitioners claim that respondent No.7 blindly accepted without causing any enquiry consequent upon filing of such joint declaration to verify the source of title of late Seethal Singh and, thus, fraud was played by late Seethal Singh.

Therefore, they claim that the said joint declaration in which late Seethal Singh projected late Ramlal as his son

is illegal, void and inoperative and does not bind on them.

v) The petitioners also state that late Seethal Singh and the authorities of Urban Land Ceiling had conspired together and, thus, there was omission to issue notice by respondent No.7 to the petitioners before accepting such declaration and declaring the extent as 'excess land' and getting it vested in the Government. The petitioners claim that Rajan Singh, who is one of the sons of late Seethal Singh, respondent No.1 herein, is the brain behind and he made an application to respondent No.7 seeking regularization and exemption of declared excess land under the provisions of the ULC Act based on G.O.Ms.No.456, dated 20-04-2005, and paid a sum of Rs.64,15,984/-(Rupees sixty four lakhs fifteen thousand nine hundred and eighty four), the value of exempted land which consists of 49130.02 square metres, equivalent to Acs.12-15 guntas, in terms of the rates fixed by the authorities.

vi) The petitioners claim that the same was done behind their back and absolutely they are unaware of these facts and, thereafter, respondent Nos.1 to 5 started claiming that they purchased the petition schedule land and unjustly interfered with their possession in survey No.9/1 and attempted to level the ground on 29th and 30th of December, 2010 which were successfully resisted by them.

vii) The petitioners claim that their representative, when made enquiries with Urban Land Ceiling Authorities, fraud played by late Seethal Singh came to light and then they obtained relevant documents under Right to Information Act, 2005. The petitioners claim that the sales in favour of respondent Nos.11 to 17 based on agreements of sale - cum - general power of attorneys and sale deeds bearing document Nos.95 of 2011 to 99 of 2011, 1099 of 2010, 4489 of 2008, 4491 of 2008 and 4492 of 2008 of the office of Sub-Registrar, Gandipet, Ranga Reddy District, are all nominal, sham documents and got up by respondent Nos.1 to 5.

viii) The petitioners claim that late Ramlal along with his family have been staying in Mangalhat, Hyderabad after they shifted from Puppalaguda village, which is adjacent village and taking advantage of their absence, connived with the village Patwari, other revenue officials and ULC authorities and obtained exemption from the purview of the ULC Act and then created sham and nominal documents in favour of respondent Nos.11 to 17 by obtaining exemption orders in G.O.Ms.No.517, dated 20-04-2005. Hence, they filed the suit.

ix) In the suit, the petitioners sought reliefs for declaration that late Ramlal was the absolute owner of the petition schedule land and they being the successors-in-interest, acquired title and became absolute owners of the

petition schedule land and, consequently to restore the possession of petition schedule land by evicting the respondents from the petition schedule land. They also sought consequential reliefs of declaration that the joint declarations filed on 08-09-1976 in C.C. No.H1/4806/1976 before respondent No.7 by late Seethal Singh or his family members impersonating late Mr. Ramlal in respect of the petition schedule land are void, inoperative and inconsequential and does not bind them; with a further declaration that the exemption granted for the petition schedule land in favour of defendant No.1 under G.O.Ms.No.517, dated 20-04-2005 by respondent No.6 on the basis of letter No.H2/456/1 to 4/2004 and H2/455/5/04 of defendant No.7 treating exempted lands as 'excess land' of defendant No.1 under the ULC Act as illegal, void, inconsequential, inoperative and does not bind them. Further declaration sought is that the agreements of sale - cum - general power of attorneys and sale deeds bearing document Nos.95 of 2011 to 99 of 2011, 1099 of 2010, 4489 of 2008, 4491 of 2008 and 4492 of 2008 of Sub-Registrar Officer, Gandipet, Ranga Reddy District, executed by defendant Nos.1 to 5 or their successors-in-interest are invalid, void and not binding on them and for perpetual injunction restraining defendant No.1 and his men etc., from interfering with the possession of petition schedule land after they are inducted into possession, and for Rs.5,000/- towards past

mesne profits from 11th and 12th of August, 2012 till filing the suit and at the rate of Rs.10,000/- per acre from the date of filing the suit till they are put into possession of the petition schedule land.

5. Respondent No.1 filed counter resisting the claim of the petitioners. Respondent Nos.2 and 4 filed memo adopting the counter filed by respondent No.1.

i) Respondent No.1 states that the petitioners deliberately suppressed all material facts and approached the Court with unclean hands. He states that the petitioners are unconnected with the petition schedule land and the total extent of Acs.24-31 guntas in survey No.9 belonged to him and late Seethal Singh and, in fact, the said extent stands joint patta in the name of late Ramlal alias Rajan Singh and late Seethal Singh, son of late Kundan Singh and has been in their possession and enjoyment prior to 1976. Subsequent to enforcement of the ULC Act, himself and late Seethal Singh filed statement in Form - I under Section 6(1) of the ULC Act before the authorities by declaring that they owned and possessed all that dry open land bearing survey No.9, admeasuring Acs.24-31 guntas, situated at Alijapur village, Rajendranagar mandal, Ranga Reddy district and that, that declaration was registered as Ceiling Case No.4806 of 1976, and they received a notice on 15-01-1977, from the Special Tahsildar, directing him and late

Seethal Singh to appear on 31-01-1977 and to produce documents and, accordingly, they appeared before the Special Officer and Competent Authority, ULC, and on 28-09-1978, the Special Officer and Competent Authority passed orders, dated 28-09-1978 in the said C.C. arriving at a conclusion that the extent of

Acs.24-31 guntas or 98261.84 square meters in survey No.9 falls outside the limits of Master Plan and treated it as agricultural land and, thus, it was not taken into account in computing the holdings of the declarants as per the provisions of Section 2(o) of the ULC Act and held that himself and late Seethal Singh possessed an extent of 98261.84 square meters of land in excess of the Ceiling Limits and, accordingly, a draft statement under Section 8 of the ULC Act was served on them.

ii) After observing due formalities, a notification under Section 10 (1) of the ULC Act was published in A.P. Gazette No.116, Part-II extraordinary, dated 06-06-1985, and since no claims and objections were received, the said land was determined as 'surplus land' and the declaration under Section 10 (3) of the ULC Act was got published in A.P. Gazette No.153, Part-II extraordinary, dated

12-08-1985, vesting the said land absolutely with the Government, free from all encumbrances with effect from 31-08-1985. Later,

a notice under Section 10 (5) of the ULC Act was issued

on

13-09-1985, requiring them to deliver the possession of surplus land within thirty (30) days from the date of service of notice, which was served on declarants on 30-09-1985 and in response to such notice under Section 10 (5) of the ULC Act, they have given consent to handover the excess land through their letter, dated 01-10-1985, and, accordingly, the Enquiry Officer taken over the possession of the said extent by conducting a panchanama on 28-10-1985 and the same in turn was handed over to the Mandal Revenue Inspector of Rajendranagar Mandal on the same day.

iii) Since the land was vested with the Government, a notice was issued to them for award enquiry for payment of amount which notice was served on them on 16-12-1985 and it was posted on 19-12-1985 and finally on 27-02-1986, and when they appeared before the said Authority, their statements were recorded and the said Authority left over 2000 square meters of land to them as their 'retainable area' in the said survey number and, thus, they came to a conclusion that except respondent No.1 and late Seethal Singh, there are no other owners as no persons have filed objections or claim over the said land, and after conclusion of the same, the said Authority paid 1/4th of cash and for balance 3/4th bonds were issued in their

favour by the Government, by fixing the market value at Re.1/- per square meter. The interest was granted at the rate of 5% per annum with effect from the date of acquisition of land by the Government under Section 10(3) of the ULC Act.

iv) Respondent No.1 states that they filed appeal bearing No.U.C.I/1013 of 1986 challenging the said order, dated 17-03-1986, with regard to the compensation awarded. Thus, he denied the alleged fraud, impersonation and declaration stamped as illegal declaration. Stating that the same has been invented to suit their false claim, prayed to dismiss the petition.

6. Respondent Nos.11 and 12 filed counters. While denying the averments in the affidavit filed in support of the petition, they state that they have purchased the land for a valid consideration under registered sale deeds bearing Nos.95 of 2011, dated 30-12-2010, and 96 of 2011, dated 30-12-2010, respectively, and ever since their purchase, they have been in continuous possession and enjoyment of the petition schedule land with absolute rights and, thus, they claim that they have acquired a clear title.

i) They state that the suit claim is hopelessly barred by the provisions of the Indian Limitation Act, 1963 and if the stand of the petitioners was to be true, the petitioners would have moved the Hon'ble High court as the issue

involved pertains to public authorities.

ii) According to them, the claim of the petitioners is speculative in nature, intended to harass them and even the pattadar passbooks were issued to the respective legal heirs of late Seethal Singh, whose death occurred on 30-12-2001. It is stated that Ramlal, Lakshman Singh and Bharat Singh are the sons of Seethal Singh, as Ramlal was named as Rajan Singh outside the custom, he is being called as Rajan Singh alias Ramlal, Ramlal alias Rajan Singh and the voluminous documentary evidence filed by the petitioners would clearly show that Ramlal alias Rajan Singh refer to one and the same person and they are not two different persons and as son of late Seethal Singh. Therefore, they claim that the relief against a dead person is not maintainable as the decree sought to be passed against dead person is a nullity and void.

iii) They state that under the guise of suit, the petitioners are attempting to question the legality or otherwise of the authority and the action of the Government of Andhra Pradesh and its officials arrayed as respondents - defendants 6, 7, 8, 9 and 10 to listen to their dictates. They state that the petitioners have to show relief of declaration for each document by producing a valuation certificate from the concerned Sub Registrar's Office and pay court fee on the strength of the same, and

the reliefs claimed by the petitioners in paragraph 35 (II) (a) to (c) are time barred and the rights of the petitioners, if any, are extinguished under the Limitation Act, 1963 and, thus, sought to dismiss the petition.

7. The Court below on perusal of the documents filed by the petitioners, found that the pahani for the year 1954-55 shows the extent of survey No.9 as Acs.24-31 guntas and the name of Ramdayal being recorded. Thus, the name of Ramdayal in the pahanies for the years from 1954-55 to 1969-70 is shown, whereas, the name of late Seethal Singh and late Ramlal are shown in the pahanies for the years from 1970-71 to 1978-79, and for the first time, sub-division of survey No. 9/1 is shown in the pahani for the year 1980-81 and the extents of Acs.12-16 guntas in survey No.9 and Acs.12-15 guntas in survey No.9/1 are shown, and the name of late Seethal Singh is shown as pattadar and possessor for survey No.9, and the name of late Ramlal is shown as pattadar and possessor concerning survey No.9/1 and, thus, their names are shown in subsequent pahanies for the years 1984-85 and 1985-86. Whereas, the entries in pahanies for the years from 1986-87 to 2005-06, the Government is shown under the possessory column. The Court below also referred to the declaration form filed by late Ramlal and late Seethal Singh and the exemption granted by the Urban Land Ceiling Authorities on receipt of the amount from late Ramlal. The Court below then referred to the sale deeds

which show that Saroja Bai, Omprakash and Usha Bai, who are alleged to be the legal heirs of late Seethal Singh, as the executants including the agreements of sale - cum - general power attorneys concerning the petition schedule land.

i) The Court below having found from the documents that the petitioners were not in possession of the petition schedule land and considering the stand of the petitioners that fraud was played by respondent No.1 and late Seethal Singh in getting exemption orders without proper enquiry, observed that the same can be considered in a detailed trial, and since the petitioners failed to prove *prima facie* their possession over the petition schedule land, rejected the request, dismissing the petition.

8. It is the aforesaid order which is under challenge in the instant civil miscellaneous appeal preferred by the petitioners, contending in the grounds that the Court below has not properly appreciated the documents filed by the petitioners as the order reflects that fifteen (15) documents filed by them were not marked as exhibits and not discussed, as the order also reflects that 16 pages out of 18 pages contained the pleadings in the petition and counter and the discussion was limited only to the extent of one and half page.

i) It is stated that the Court below has ignored the

main relief claimed by the petitioners for declaration of title and possession and the nature of relief sought for, and the interim relief sought for was not to alienate or change the nature of land, and for the said reliefs, possession by the petitioners is not the criterion to conclude *prima facie* and balance of convenience.

ii) It is stated that the name of 'Rajan Singh' without alias name is mentioned in the pahanies, joint declarations filed before the Urban Land Authorities in the C.C., legal heir certificate issued by respondent No.8, certified copies of voters list, registered sale deed, dated 30-11-2004, document No.2260 of 1994, but the Court below, somehow, did not notice the same including the entries in the household card of respondent No.1 which are annexed to registered sale deeds not disclosing the alias name of respondent No.1.

iii) It is stated that entries relating to survey No.10 in the pahanies would show that the name of respondent No.1 is recorded without alias name, but whereas, in the entries in the pahani relating to survey No.9/1, for the year 2008-09, for the first time, alias name is recorded. It is also stated that alias name will always be recorded preceded by the real name which the Court below did not notice.

iv) It is stated that the Court below overlooked the fact that the schedule lands are agricultural lands

exempted from the ULC Act, though, located within the Urban Agglomeration Limits, but do not fall within the definition of 'urban land' as defined under Section 2(o) of the ULC Act.

v) It is also stated that the Court below overlooked the fact that the documents filed by the petitioners would show that late Ramlal signed always in Hindi language, whereas respondent No.1 signed in English. Stating that the documents filed by them establish their *prima facie* case and balance of convenience lying in their favour, and there is urgency to restrain respondent Nos.1 to 5 and 11 to 17 from alienating or changing the existing nature of schedule land, lest it would lead to multiplicity of litigation and thereby, sought to grant interim injunction by setting aside the order under challenge.

9. Heard Sri A. Nava Mohan Rao, learned counsel for the appellants – petitioners; Sri P. Shravan Kumar Goud, learned counsel for respondent Nos.1 and 2; Sri Y. Sudhakar, learned counsel for respondent Nos.4 and 5; Sri K. Govardhan Reddy, learned counsel for respondent Nos.11 and 12; and Sri K. Ravi Mahender, learned counsel for respondent Nos.13 to 17.

10. Learned counsel for the appellants – petitioners would submit that the name of respondent No.1 is shown in the pahanies without alias name, and for

the first time, in the pahani for the year 2008-09 in survey No.9/1, his alias name is recorded, thus, clearly indicating that with ulterior motive got himself described as 'Rajan Singh alias Ramlal' in active connivance with his father, late Seethal Singh conspiring with Revenue Authorities filed joint declaration under the ULC Act showing the total extent of Acs.24-31 guntas in survey No.9 as 'surplus land', and subsequently in the year 2005, taking advantage of G.O.Ms.No.456, dated 20-04-2005, got regularized the land as if G.O.Ms.No.517, dated 20-04-2005 was issued exempting the land under Section 20 (1) (a) of the ULC Act, and thus, deprived the right and title of the petitioners and thereby executed various sale deeds and agreements of sale - cum - general power of attorneys to knock away the extent that was originally owned by late Ramlal and on his death succeeded by the petitioners herein.

i) He would also submit that in household cards, voters list and other related documents, the name of respondent No.1 is shown as 'Rajan Singh' without alias name of 'Ramlal', and that late Seethal Singh never had a son with name Ramlal and, thus, Seethal Singh and his son, respondent No.1 herein, practiced 'fraud' on the Revenue Authorities and obtained G.O.Ms.No.517.

ii) The learned counsel for the petitioners placed reliance on the decision of this Court in **Ahmed Bin**

Sayeed and others v. Kamala Bai and others^[1] to substantiate his submission that concerning land in survey Nos.87 and 119 of very same village i.e., Puppalguda village, this Court has affirmed the injunction granted by the trial Court in favour of one Kamala Bai and others, who are appellants herein prohibiting the appellants therein from changing the nature of land and making constructions in the petition schedule land therein.

iii) He would submit that the Court below without properly appreciating the entries in the pahani for the years from 1954-55, refused the request for grant of injunction either to alienate or to alter the petition schedule land.

11. On the other hand, learned counsel for respondents would submit that the very reliefs sought by the petitioners are for recovery of possession, besides other reliefs relating to declaration of title, besides other declarations touching documents mentioned therein.

i) The learned counsel for respondent Nos.11 and 12 placed reliance on the decisions of the Hon'ble Supreme Court in i) **State of Assam and Bhaskar Jyoti Sarma and others**^[2]; ii) **Winky Dilawari (Smt) and another v. Amritsar Improvement Trust, Amritsar**^[3]; iii) **Vatticherukuru Village Panchayat v. Nori**

Venkatarama Deekshithulu and others^[4]; iv) **M/s East India Corporation Ltd. v. Shree Meenakshi Mills Ltd.**^[5]; v) **Sarwan Kumar and another v. Madan Lal Aggarwal**^[6]; vi) **S. Vanathan Muthuraja v. Ramalingam alias Krishnamurthy Gurukkal and others**^[7];

vii) **State of Mizoram v. Biakchhawna**^[8] to substantiate his argument that belated challenge to dispossession under sections 10(5) and 3 of the ULC Act amounts to waiver of right to challenge and also his submission that the Civil Court has no jurisdiction to try the suit.

ii) He would submit that the suit is misconceived and barred by limitation and when the very relief touches recovery of possession, the very *prima facie* case and balance of convenience lying in favour of the petitioners do not arise and, thus, supported the order of the Court below.

12. Perused the material on record and the documents filed before the Court below.

13. In the pahani for the year 1970-71, the entries would show that survey No.9 consists of Acs.24-31 guntas of land under column No.11. The names of late Seethal Singh and Ramlal are shown. In the pahani for the year 1980-81, survey No.9 was sub-divided into '9'

and '9/1' showing the extents as 'Acs.12-16 guntas' and 'Acs.12-15 guntas' respectively. The name of late Seethal Singh is recorded against survey No.9, whereas the name of Ramlal is shown against sub-division '9/1'. In the pahani for the year 1985-86 against survey No.9 for the extent of Acs.12-16 guntas, late Seethal Singh's name is shown. In the pahani for the year 1986-87 against survey No.9, name of late Seethal Singh is shown, whereas, for sub-division No.9/1, the name of Ramlal is shown. Under column No.13 relating to 'possession', names of late Seethal Singh and Ramlal are rounded off and recorded that the 'Government' is in possession thereof in view of the orders of Urban Land Ceiling Authorities. In the pahani for the year 1993-94, though, in column No.12, names of late Seethal Singh and Ramlal are shown, but the 'Government' is shown in possession of the said extent. Similar entries are occurring in the pahanies for the years 1995-96; 1996-97; 1998-99; 1999-00; 2001-02; 2002-03; 2004-05; 2005-06 and 2006-07. In the pahani for the year 2008-09, against survey No.9, the names of Sarooja Bai, Om Prakash, Usha Bai and Madhumati are shown under column No.12, and as against sub-division No.9/1, the name of Ramlal with alias name 'Rajan Singh' son of Sheetal Singh is recorded.

14. It is true as contended by the learned counsel for the petitioners that the name of respondent No.1

'Rajan Singh' is not occurring with alias name 'Ramlal' in the pahanies for the years mentioned in the above except in the pahani for the year 2008-09. The name of 'Rajan Singh' is shown as alias name of Ramlal, though, it appears that Rajan Singh is the actual name and Ramlal is alias name as claimed by respondent No.1. It is true, the entries in pahani for the years from 1993-94 would show that survey No.10 also belongs to late Seethal Singh which consists of Acs.6-16 guntas and the name of 'Seethal Singh' shown under column No.12, whereas under vertical column No.13, the names of Laxman Singh against Acs.2-06 guntas; Rajan Singh against Acs.2-05 guntas; Om Prakash against Acs.2-05 guntas are shown, and there is no alias name recorded against the name of 'Rajan Singh'. The said situation occurs in subsequent pahanies. Learned counsel for the petitioners referred to the entries relating to survey No.10 to derive a probability favouring the petitioners' stand that respondent No.1 – Rajan Singh never had alias name 'Ramlal'. Even, the declaration in Form III filed also shows the names 'Ramlal S/o Seethal Singh and Seethal Singh S/o Kundan Singh, and the signature of Ramlal in Hindi language.

15. As already referred to in the above, concerning the submission of the learned counsel for the petitioners that G.O.Ms.No.517 is not in existence at all, and it is a fabricated document brought into existence to knock

away the petition schedule land belonging to the petitioners, we would like to observe that these factual aspects can only be gone into during the trial since unless these entries are confronted to the party while in witness box and a full-fledged trial takes place after settling all relevant issues including bar of suit by limitation, it is difficult, at this stage, to tender any positive finding favouring either party.

i) The learned counsel for the petitioners have placed reliance on the decision of this Court in **Ahmed Bin Sayeed's Case** (Supra 1), wherein this Court has affirmed the order of the trial Court in granting injunction against the appellants therein not to change the nature of land and make constructions in the petition schedule land basing on the fact-situation occurring therein. In the instant case, the fact-situation is not akin to the one occurring in the said citation as there was no intervention of the authorities under the ULC Act and issuance of G.O. granting exemption.

ii) Adverting to the decisions relied on by the learned counsel for respondent Nos.11 and 12, it is unnecessary at this stage to refer to the propositions of law and fact-situation as we are not inclined to accede to the request made in the instant Civil Miscellaneous Appeal.

16. Admittedly, the petitioners are not in

possession of the petition schedule land. The very fact that one of the main reliefs claimed by the petitioners in the suit is for recovery of possession of petition schedule land, besides seeking declaration of title that their ancestor, Ramlal is the absolute owner and subsequent to his death, they being successors-in-interest as the heirs of Ramlal acquired title, and the consequential reliefs in the form of declarations that the sale deeds executed in favour of respondent Nos.11 to 17 and the agreements of sale - cum - general power of attorneys are null and void and not binding on them, when kept in view, it is difficult to accede to the request for grant of injunction restraining the respondents either from alienating or altering the nature of land as it cannot be construed that the petitioners are able to establish, at this stage, the *prima facie* case and balance of convenience lying in their favour. It is no doubt true, the learned counsel for the appellants - petitioners would contend that further alienations would lead to multiplicity of proceedings, but, that by itself cannot be a ground to grant the relief sought for herein. Thus, we find no merit in the instant civil miscellaneous appeal so as to set aside the order passed by the Court below and to grant interim injunction to the appellants

herein. However, keeping in view, that the suit relates to the year 2013, it is desirable to direct the trial Court to

dispose of the main suit itself as expeditiously as possible uninfluenced by the observations, if any, made in this judgment.

17. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the impugned order passed by the Court below, directing the Court below to dispose of the suit itself as expeditiously as possible. However, we make no order as to costs.

18. As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand disposed of.

**R. SUBHASH
REDDY, J**

A. SHANKAR NARAYANA, J

September 04, 2015.
Mgr

[\[1\]](#) . 2014 (6) ALD 505 (DB)
[\[2\]](#) . (2015) 5 SCC 321
[\[3\]](#) . (1996) 11 SCC 644
[\[4\]](#) . 1991 Supp.(2) SCC 228
[\[5\]](#) . AIR 1991 SC 1094
[\[6\]](#) . (2003) 4 SCC 147
[\[7\]](#) . (1997) 6 SCC 143
[\[8\]](#) . (1995) 1 SCC 156