

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.5290 of 2015

ORDER:-

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioners seeking a direction to the 1st respondent-Government of Telangana to dispose of expeditiously the suit O.S.No.190 of 2012 originally instituted in the Court of learned Principal Senior Civil Judge, Kothagudem of Khammam District and re-presented to the first respondent on return of the plaint by that Court on the point of jurisdiction.

2. I have heard the submissions of the learned counsel for the revision petitioners. I have perused the material record.

3. The facts, which are relevant for consideration, in brief, are as follows:-

The revision petitioners brought the aforementioned suit originally on the file of the Court of the learned Principal Senior Civil Judge, Kothagudem, in respect of Acs.2.25 guntas in survey No.138/4 (Old No.138/1547) situate in Rajiv Gandhi Nagar, Samithisingaram Gram Panchayat, Manuguru Mandal of Khammam District, for declaration of title and recovery of possession from defendants 1 to 10 and for a consequential perpetual injunction not to alienate the property to the third parties and for other reliefs. However, as the property is admittedly situate in an agency area and in view of the decision of the Supreme Court in ***Nagarjuna Grameena Bank and others Vs. Medi Narayana and others***^[1], the jurisdiction to try the said civil suit vests with the Agent to the Government, i.e., the District Collector, Khammam District. Therefore, the plaint was returned by the Civil Court for presentation to the said authority. However, since the District Collector is one of the defendants in the said suit, the revision petitioners thought it fit to present the suit to the 1st respondent, i.e., the State of Telangana represented by the Principal Secretary to Government [Tribal Welfare Department], Secretariat, Hyderabad, instead of

presenting the suit to the Agent to the State/District Collector, Khammam District. Since the 1st respondent did not take any action to register the suit and proceed with the same or to return the plaint for presentation before the proper authority, the revision petitioners, who are aggrieved, filed this revision petition seeking appropriate direction to the 1st respondent.

4. The learned counsel for the revision petitioners, during the course of submissions, had submitted that it would be in the interest of justice to permit to take return of the plaint presented to the 1st respondent and to direct to re-present it to the Agent to the State/District Collector, Khammam District, as he is the proper authority to entertain the suit. Hence, he had requested that this revision petition may be disposed of giving such liberty.

5. Accordingly, the Civil Revision Petition is disposed of giving liberty to the revision petitioners to take return of the suit papers/plaint presented to the 1st respondent and re-present the same to the Agent to the State/District Collector, Khammam District, for doing the needful in the matter in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

M.Seetharama Murti, J

01st December, 2015
Bvv

[\[1\]](#) 2012 Law Suit (SC) 898