

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.238 of 2015

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ORDER:

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This Civil Revision Petition is filed challenging the order

dt.20-06-2014 in I.A.No.829 of 2013 in A.T.C. No.1 of 2013 of the Junior Civil Judge, Kanigiri.

2. The petitioners herein are third parties in the A.T.C. The subject matter of the A.T.C. is agricultural land located in Kankanmpadu village.

3. The 1st respondent herein filed the A.T.C. alleging that he is a tenant of respondent Nos.2 to 4 in the A.T.C. in respect of the subject land, that they are threatening to evict him without following due process of law and sought an injunction restraining respondent Nos.2 to 4 from evicting him.

4. The respondent Nos.2 to 4 in A.T.C. were set *exparte* and an *exparte* decree was passed on 16-12-2013. It appears that the said *exparte* decree was later set aside and the A.T.C. is restored to the file of the Court below.

5. The petitioners herein, claiming to be owners of the said property which is subject matter of A.T.C. under registered sale deeds, filed application I.A.No.829 of 2013 under Order I Rule 10 C.P.C praying the Court to implead them as respondent Nos.4 and 5 in the A.T.C. They also filed O.S.No.267 of 2013 before the Senior Civil Judge, Kandukur against respondent Nos.2 to 4 and another for permanent injunction claiming that they are in peaceful possession and enjoyment of the said property.

6. It is the case of petitioners in I.A.No.829 of 2013 that they had purchased the property which is subject matter of A.T.C. for valuable consideration; they are in possession and enjoyment of the property through their father, who is their G.P.A. Holder; and 1st respondent is attempting to dispossess them from the said land. They therefore sought to be impleaded alleging collusion between 1st respondent and respondent Nos.2 to 4.

7. Counter-affidavit was filed denying the purchase of properties by petitioners and also disputing that petitioners are daughters of Chittaranjan, who is said to be their G.P.A. Holder. It is also denied that petitioners had possession and enjoyment of the suit schedule properties. It is alleged that petitioners in fact colluded

with other parties and created nominal sale deeds and they had never granted any lease to 1st respondent at any time. They contended that in fact the provisions of the Andhra Pradesh (Andhra Area) Tenancy Act, 1960 (for short "the Act") would not apply since under Section 18 of the Act, plantations are not covered under the Act.

8. By order dt.20-06-2014, the Court below held that petitioners are not proper parties and they cannot be added as respondent Nos.4 and 5 in the main A.T.C. and if they had any such right, they can seek appropriate relief by filing a separate suit. At the time when the learned Judge passed this order, the *ex parte* decree in A.T.C.No.1 of 2013 was also in force and therefore an observation was made that they can file an application to implead after the *ex parte* decree is set aside.

9. Challenging the same, this Revision is filed.

10. Learned counsel for petitioner Smt. A.Varalakshmi contended that the *ex parte* decree passed in A.T.C.No.1 of 2013 is set aside now, that A.T.C. is now restored and since petitioners are setting up rival title to respondent Nos.2 to 4 and have already filed O.S.No.267 of 2013 before the Senior Civil Judge, Kandukur, they are entitled to be impleaded as parties in the A.T.C.

11. Learned counsel for 1st respondent Sri E.Phani Kumar refuted the above contentions. He contended that the scope of jurisdiction of a Tribunal under the provisions of the Act is limited to consider the disputes between landlords and tenants and title to the property cannot be gone into therein. He therefore contended that since petitioners are seeking impleadment on the basis of their title, they cannot be allowed to be impleaded and they should file a separate suit against 1st respondent.

12. I find considerable force in the contentions raised by the learned counsel for 1st respondent. The Act was enacted to decide the disputes between landlords and tenants in respect of agricultural land in Andhra Area in the erstwhile State of Andhra Pradesh. Therefore, issues such as fixation of fair rent, eviction and protection of tenants from unreasonable eviction by landlords and like matters only can be decided by the Authorities under the said Act. Issues of title cannot be gone into and adjudicated in A.T.Cs. Since petitioners are primarily seeking impleadment on the basis of their alleged title to the A.T.C. schedule property, the only course open to them is to file a regular civil suit against 1st respondent or to implead him in the suit O.S.No.267 of 2013 said to have

been filed by them against respondent Nos.2 to 4 before the Senior Civil Judge, Kandukur and seeking appropriate relief therein.

13. Therefore, I do not find any merit in the Revision and it is accordingly dismissed. No costs.

14. As a sequel, miscellaneous petitions pending if any, in these Revisions shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 17-08-2015

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