

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 217 of 2015 and 4888, 4975 & 5080 of 2014

COMMON ORDER:

All these cases are being disposed by this common order, after hearing the learned counsel for the petitioner and the 1st respondent. The 2nd respondent, though was issued a notice, did not claim the same, and hence, it is deemed that he was served. The 3rd respondent is none other than the Controlling Officer of the petitioner herein.

2. The 2nd respondent in R.C.No.18 of 2002 on the file of the Additional Rent Controller, Secunderabad, is the petitioner herein. The 1st respondent in all these cases are the tenants. They initiated separate rent control proceedings before the Court of the Additional Rent Controller, Secunderabad, seeking permission to deposit the rents. Pursuant to the orders of the learned Additional Rent Controller, rents were deposited. There appears to have been a dispute between the petitioner herein and the 2nd respondent with regard to the right to receive the rents. The learned counsel for the 1st respondent submits that separate proceedings are pending before the Endowments Tribunal. Be that as it may, when the applications filed by the petitioner herein seeking permission to withdraw the rental amounts deposited by the tenants were dismissed by the Additional Rent Controller by order dated 25.06.2014, these civil revision petitions are filed.

3. It is not in dispute that the 1st respondent in all these cases are tenants of Rambhavan Dharmasala, Secunderabad. The petitioner herein was appointed as the Executive Officer of the said Dharmasala by the competent authority, the 3rd respondent, whereas the 2nd respondent is claiming to be a hereditary trustee. Separate rent control proceedings were initiated by the tenants seeking permission to deposit the rents, and after passing orders by the Additional Rent Controller, the tenants have deposited the rents as aforesaid. The orders were passed by the Additional Rent Controller, as he noticed that there was a *bona fide* dispute with

regard to the ownership and since the petitioner did not obtain any orders from the competent civil Court/Tribunal with regard to his entitlement to receive the rents, the applications filed by him were dismissed. The trial Court followed a decision of this Court reported in 2002 (5) ALT 750.

4. Since the rental amounts were deposited by the 1st respondent/tenants in all these cases, continuance of the said amounts in the account of the Court is not for the benefit of the Dharmasala. Admittedly, the petitioner is the Executive Officer of the Dharmasala. If the 2nd respondent wants to dispute the authority of the petitioner, he should have taken appropriate steps. So far as the 1st respondent in all these cases are concerned, they cannot dispute the title of the petitioner to receive the rents.

5. In the circumstances, all the Civil Revision Petitions are allowed by setting aside the orders in I.A.Nos.99, 96, 97 & 98 of 2014 in R.C.Nos.18, 21, 19, and 20 of 2012 respectively on the file of the Additional Rent Controller, Secunderabad, and the petitioner is also permitted to withdraw the amount lying in deposit and credit the said amount to the account of the Rambhavan Dharmasala, Secunderabad. This order would be subject to any further orders that may be passed by the competent authority deciding the rights of the petitioner and the 2nd respondent in future. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the civil revision petitions shall stand dismissed.

A.RAMALINGESWARA RAO, J

12th November, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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