

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

CIVIL REVISION PETITION NOs.1371 AND 1372 OF 2014

COMMON ORDER:

These two Revisions arise between the same parties out of the same suit and therefore, they are being disposed of by a common order.

2. The petitioner herein is the judgment debtor in O.S.No.866 of 2002 on the file of the I Additional Junior Civil Judge, Nellore.

3. Property belonging to the petitioner was sought to be sold pursuant to a decree passed in the said suit by the respondent by filing E.P.No.643 of 2011.

4. It is the contention of the petitioner that the E.P. schedule property belongs to the Government and falls under Survey No.2061/2 and that a D Form patta bearing plot No.16-B in an extent of 25 ankanams in Survey No.2061/2 was issued to her in 1978. She contended that title to this property vests in the Government and that she has no saleable interest in it. The petitioner has already examined the Deputy Tahsildar as a witness in the E.P. in support of this plea.

5. However, by way of abundant caution, the petitioner obtained a certificate dated 22.01.2014 from the Village Revenue Officer, who is the subordinate to the Deputy Tahsildar stating that this plot was allotted to the petitioner and patta had been sanctioned in her favour.

6. She, therefore, filed E.A.No.29 of 2014 to condone the delay in filing the certificate dt. 22.01.2014 and E.A.No.30 of 2014 to summon the Village Revenue Officer to give evidence according to the certificate issued by him.

7. By a common order dated 16.04.2014, the Court below dismissed both the applications holding that the Deputy Tahsildar was already examined and the Village Revenue Officer, who is sought to be examined, is not a competent party to depose about issuance of

patta and about sanctioning funds by the Housing Board Department for construction of house. It held that there is no necessity to summon his subordinate since the Deputy Tahsildar has already stated that there is no record to give any evidence regarding issuance of patta to the petitioner.

8. Challenging the same, these two revisions are filed.

9. Heard Smt.A.Bala Barathi, learned counsel for the petitioner and Sri T.C.Krishnan, learned counsel for the respondent.

10. Although counsel for the petitioner sought to contend that the Village Revenue Officer, who had issued the certificate, is required to be summoned to give evidence in favour of the petitioner, I am of the opinion that his superior, the Deputy Tahsildar, has already been examined and he has stated that as per records, Survey No.2061/2 of Venkateswarapuram, Nellore, belongs to the Government and plot No.16-B is located therein. He has also marked Ex.R2 from the file regarding issuance of DKT pattas indicating beneficiaries, who had been granted pattas in respect of Survey No.2061/2 and stated that the petitioner has no saleable interest in the property allotted to her. In the light of the evidence of the Deputy Tahsildar, I am of the view that there is no necessity to examine the Village Revenue Officer, who is his subordinate.

11. Therefore, I do not find any illegality or infirmity in the orders of the Court below and both the Revisions are, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(M.S.RAMACHANDRA RAO, J)

5th October 2015

RRB