

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.4711 OF 2014

ORDER :

This civil revision petition is filed challenging the docket proceedings dated 11.11.2014 passed by the learned Sub-Divisional Magistrate and Special Assistant Agent to Government/Mobile Court, Bhadrachalam, Khammam District in I.A.No.149 of 2014 in O.S.No.274 of 2014.

The petitioner herein is the plaintiff and the respondents are defendants in the suit and the said suit was filed for perpetual injunction.

The main grievance of the petitioner is that in I.A.No.149 of 2014 filed for interim injunction, the defendants were set exparte on 11.11.2014. The petitioner filed certified copy of the cause list in support of his contention which is contrary to what was recorded in the docket proceedings. In the cause list, it was mentioned that summons were refused, vakalat and counter filed to be taken on file and the name of the defendants' counsel was also mentioned as NSR/KSR. When this Court got a doubt with regard to the actual proceedings that have taken place, it called for a report from the District Collector. Accordingly, a report dated 22.09.2015 was filed on 28.10.2015. The Revenue Divisional Officer, Bhadrachalam was appointed as an enquiry officer by the District Collector/Agent to Government. The Revenue Divisional Officer, Bhadrachalam stated that the suit was not disposed of and it was adjourned from 11.11.2014 to 25.11.2014 for arguments in the said I.A. Again, it was posted from 25.11.2014 to 12.12.2014. After several adjournments, it was posted to 25.02.2015 and that the suit is pending as on the date of enquiry. The judgment and decree filed by the petitioner herein dated 11.11.2014 is not tallying with the

authenticated signature of the then Presiding Officer and Sub Divisional Magistrate, Mobile Court, Bhadrachalam and it states that the judgment was fabricated with the collusion of the counsel for the petitioner. The Collector/Agent to Government instructed the Sub-Divisional Magistrate, Mobile Court, Bhadrachalam to take necessary action under Section 340 Cr.P.C. by lodging a complaint before the Judicial Magistrate of First Class, Bhadrachalam and book an FIR.

Now it is clear that no judgment was pronounced on 11.11.2014 even though a copy of the judgment is filed in the present C.R.P. and O.S.No.274 of 2014 is stated to have been pending along with I.A.No.149 of 2014. In the report submitted by the Agent to Government, there was no clarity with regard to the disposal of I.A.No.149 of 2014.

In view of the discrepancy in recording in the I.A proceedings dated 11.11.2014 that the postal department endorsed as 'summons were refused by both the defendants', and mentioning in the cause list as summons refused and vakalat and counter filed to be taken on file and the name of the defendants' counsel was mentioned as NSR/KSR, mentioning in the docket proceedings of I.A, as 'P.C. present. D.C. present. Vakalat along with counter filed by D.C on 29.10.2014. For arguments in I.A. Call on 25.11.2014', the Collector/Agent to Government shall enquire into the matter and take appropriate proceedings against the concerned on administrative side.

In the above circumstances, the Sub-Divisional Magistrate, Mobile Court, Bhadrachalam is directed to dispose of O.S.No.274 of 2014 in accordance with law within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Accordingly, the civil revision petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions in this revision petition, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO, J

17.11.2015
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THE HON’BLE SRI JUSTICE A.RAMALINGESWARA RAO

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