

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION NO.4065 OF 2015

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ORDER:

This Civil Revision Petition is filed against the order, dated 01-07-2015 in I.A.No.741 of 2014 in ATC No.3 of 2014 on the file of the Special Officer-cum-Principal Junior Civil Judge, Amalapuram.

2. 1st respondent herein claiming to be a tenant filed ATC No.3 of 2014 against the 2nd respondent herein to declare him as a cultivating tenant in respect of various items of agricultural lands in Savarappalem village, Samanasa village, Kunavaram and Kithanacheruvu villages of Amalapuram Mandal, East Godavari District. In the said case, petitioners herein filed the above interlocutory application under Order I Rule 10 of CPC to implead them as respondents 2 and 3 in ATC 3 of 2014 on the ground that they have taken the land on lease from the 1st respondent.

3. The 1st respondent herein filed counter stating that the 2nd respondent herein having failed in his attempt to take forcible possession of the land from the 1st respondent, after filing ATC 3 of 2014, hatched up a plan and created a false story of sub-lease of items 1 to 5 in favour of the petitioners and the petitioners were set up by him. He denied sub-lease in favour of the petitioners. The 1st respondent thus never claimed to be a landlord of the petition schedule property. When the 1st respondent himself did not claim ownership of the property and filed ATC 3 of 2014 against the 2nd respondent, the petitioners herein claiming to be sub-tenants, cannot file the petition seeking impleadment.

4. The learned Special Officer-cum-Principal Junior Civil Judge, Amalapuram held that the Tenancy Act precludes sub-lease unless there is a clause. In the absence of any claim by the 1st respondent that he is the owner of the land, the present application filed by the petitioners claiming to be sub-tenants of the 1st respondent in the face of ATC 3 of 2014 filed by the 1st respondent against the 2nd respondent is not maintainable and the order

passed by the Special officer, dated 01-07-2015 is perfectly in order.

5. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 24-11-2015

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