

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

CIVIL REVISION PETITION No.2684 of 2015

ORDER:

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This Civil Revision Petition is filed challenging the order dt.07-04-2015 in I.A.No.38 of 2015 in O.S.No.28 of 2005 of the Junior Civil Judge, Mulug.

2. The petitioners herein are defendants in the suit.

3. The respondents/plaintiffs filed the suit for a perpetual injunction restraining the petitioners from interfering with their alleged peaceful possession and enjoyment of the suit schedule property. They placed reliance on proceedings dt.15-12-1999 allegedly issued by the Mandal Revenue Officer, Eturnagaram assigning to them an extent of Ac.0.08 gts in Sy.No.376/2 of Eturnagaram, Warangal District.

4. The petitioners however contended that without permission of the S.C. Corporation, Warangal, the Tahsildar, Eturnagaram had granted the said certificate.

5. They therefore filed I.A.No.38 of 2015 to issue

summons to the Tahsildar Eturnagaram to give evidence as to whether he issued the certificate on his own or with the advise or on basis of any letter to grant land to the respondents issued by the S.C. Corporation. They stated that when there is no letter to the Tahsildar from the S.C. Corporation, the Tahsildar could not have issued a certificate of grant of land to respondents.

6. This application was opposed by respondents contending that it had been filed after the examination of 1st petitioner as D.W.1, only to prolong the trial, and when a certificate issued by an Officer authorized by the Government is produced, it cannot be doubted. They contended that filing of the petition to summon the Tahsildar, who is a public servant, would amount to wasting the public time and therefore it is not necessary to summon him.

7. By order dt.07-04-2015, the Court below dismissed the said petition. It held that the question whether the Tahsildar had validly allotted land to respondents, cannot be urged in the suit and it is open to petitioners to question the same before the appropriate authority by an appropriate remedy. It also observed that the petitioners can seek information under the Right to Information Act, 2005 (for short "the Act") on what basis the Tahsildar

issued the certificate to respondents for grant of land and it is not necessary to summon the Tahsildar for the purpose mentioned by petitioners.

8. Challenging the same, this Revision is filed.

9. Although the learned counsel for petitioners sought to contend that the order passed by the Court below is not correct, I am of the opinion that the question whether Tahsildar could have validly issued any certificate/assignment to respondents, is not a question to be decided in the suit, and as rightly held by the Court below it is open to petitioners to question the said assignment in favour of respondents in an appropriate proceeding. Since the learned counsel for petitioners has also contended that they had approached the Tahsildar, Eturnagaram under the Act and a response has been given by the said Officer to their application, I am of the opinion that the petitioners, if they so wish, can place reliance on it in their evidence.

10. I do not therefore find any merit in the Revision and it is accordingly dismissed granting liberty to petitioners to place reliance on the response received by them from the Tahsildar, Eturnagaram in the course of their evidence. No costs.

11. Since the suit is of the year 2005, the Court below is directed to dispose of the same expeditiously preferably within a period of six months from the date of receipt of a copy of this Order.

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

JUSTICE M.S. RAMACHANDRA RAO

Date: 18-08-2015

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