

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO.380 OF 2016

ORDER:

The petitioners herein are the plaintiffs in suit O.S.No.618 of 2006 on the file of the learned Principal Junior Civil Judge at Medchal, Ranga Reddy District. The suit is instituted seeking perpetual injunction to restrain the defendant, an educational society and its agents and assistants from interfering with the peaceful possession and enjoyment over the suit schedule property and not to raise any constructions in the suit property. The suit schedule is described as agricultural land admeasuring Ac.2.00 guntas lying in Sy.No.25/2, Petbasheerabad Village, Qutbullapur Mandal, Ranga Reddy District. In that suit, I.A.No.332 of 2015 is filed seeking appointment of an Advocate Commissioner to measure the suit schedule land with the help of Assistant Director Survey and Land Settlement, Ranga Reddy District, to demarcate the same and also demarcate the total extent of land lying in Sy.No.25/2 of Petbasheerabad Village, as well as the land allotted to the respondent society in Sy.No.25/2 and thereby, localize the suit schedule land and note down its physical features. That I.A.No.332 of 2015 has been dismissed by the Court on 10.12.2015 and against the said order, the present civil revision petition is preferred.

The plaint filed in the Court below contains a couple of pages. In paragraph 2 thereof, it is stated as under:

“The plaintiff further submits the land in Sy.No.25/2 of Petbasheerabad Village is the Govt. land. The plaintiff being the landless poor person about Forty years back the plaintiff for his livelihood occupied an area of Ac.2-00 gts of land in Sy.No.25/2 of Petbasheerabad Village, Quthbullapur Mandal, R.R. District. Since then, the plaintiff is in continuous possession over the said property and developed the same by investing huge amounts.....”

Towards the end of the paragraph No.3, it is asserted as under:

“.....The plaintiff is in the possession of the suit property more than Forty years and he is having perfect title over the suit schedule property by adverse possession.....”

Thus, going by the plaint averments, the petitioner does not hold any title to the suit schedule land on his own, but is preferring to have perfected the title to the land by virtue of adverse possession. When once it is conceded that land in Sy.No.25/2 belongs to the Government, any such hostile assertion of adverse title should be against the true owner namely the government. Government is not impleaded as a party defendant to the suit. Therefore, I am convinced that I.A.No.332 of 2015 is moved for purpose of collecting evidence, which cannot be permitted to be done. In my opinion, the Court below has very rightly dismissed the said interlocutory application duly exercising the jurisdiction vested in it. I, therefore, do not see any justifiable reason to interfere with the said order and hence, this civil revision petition is dismissed at the admission stage after hearing Sri B. Venkata Rama Rao on the opposite side.

Accordingly, this civil revision petition stand dismissed. No costs.

Consequently, miscellaneous petitions pending if any, shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

11.03.2016
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