

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.18 of 2015

JUDGMENT:

This appeal is preferred challenging judgment and decree dated 24.10.2014 in A.S.No.151 of 2009 on the file of VI Additional District Judge (FTC), Narsapur, West Godavari District, whereunder, decree and judgment dated 28.04.2009 in O.S.No.269 of 2004 on the file of Senior Civil Judge, Narsapur is confirmed.

2. Suit is filed for the relief of perpetual injunction restraining respondents/defendants from ever interfering with the plaintiff's right to use the plaint schedule property as burial ground. Trial court on a consideration of material on record dismissed the suit and the first appellate court confirmed the findings of the trial court.

3. Learned advocate for appellant submitted that suit is dismissed mainly on the ground that plaintiff has not availed the remedy available under the Andhra Pradesh Municipalities Act, 1965 (for short "the Act"), particularly, under Sections 300 to 305 of the Act, and that appellant may be permitted to withdraw the appeal with liberty to approach the municipality i.e., defendants No.1 and 2 with appropriate application under the provisions of the Act to get appropriate relief.

4. I have perused the material papers filed along

with appeal. In view of the submissions of learned advocate for appellant, permission is granted to withdraw the second appeal with liberty to approach defendants No.1 and 2 under the provisions of the Act, particularly under Sections 300 to 305 of the Act, on that defendants 1 and 2 shall consider the application of appellant in accordance with the provisions of the Act and rules framed thereunder.

5. Accordingly, the Second Appeal is dismissed as withdrawn. No costs. Miscellaneous petitions, if any pending, in this Appeal shall stand closed.

S. RAVI KUMAR, J

Date: 27-01-2016.

Note: C.C. in two days.

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