

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.1483 of 2011

JUDGMENT:

This second appeal is preferred challenging judgment and decree in A.S.No.36 of 2009 dated 29.08.2011 on the file of

V Additional District Judge, Rayachoty, whereunder judgment and decree in O.S.No.64 of 2002 dated 31.08.2009 on the file of Junior Civil Judge, Lakkireddypalli, is confirmed.

2. Appellants herein are the unsuccessful plaintiffs, who filed the above suit for declaration of their title and recovery of possession. Trial Court on a consideration of oral and documentary evidence produced on behalf of both parties held that plaintiffs failed to prove that they are owners of the suit schedule property and accordingly dismissed the suit. Plaintiffs preferred appeal to the appellate Court and appellate Court on a reconsideration of entire evidence upheld the findings of trial Court. Now, aggrieved by the concurrent findings, present second appeal is preferred.

3. Heard arguments.

4. Advocate for appellants submitted that trial Court and appellate Court are not justified in holding that subject land is a government land without there being proper survey and that is the substantial question of law involved in this second appeal.

5. I have perused the material papers including judgments of trial Court and appellate Court. As seen from the record, the suit was originally filed against defendant Nos.1 and 2, who are private parties, seeking declaration over the suit schedule property and delivery of vacant possession. But, subsequently plaintiffs impleaded the District Collector, Mandal Revenue Officer and Panchayat Secretary as defendant Nos.3 to 5 and claimed the same relief against defendant Nos.3 to 5 also. Both the trial Court and appellate Court on a consideration of oral and documentary evidence held that subject land is a Government land and that plaintiffs have failed to prove their title. When the Government is also a party to the suit and they have contested the suit and disputed the title of plaintiffs, the objection of plaintiffs with regard to survey is not tenable. On a scrutiny of the material, I am of the view that there is no question of law involved in this second appeal leave alone substantial question of law.

6. For these reasons, second appeal is dismissed at admission stage.

7. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

4th January 2016.

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