

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.384 OF 2011

ORDER:

The present revision is preferred by the plaintiff, who is respondent No.1 in I.A. No.131 of 2010 in O.S. No.115 of 2006, on the file of the Junior Civil Judge, Salur, aggrieved over the order, dated 18-01-2011, impleading the petitioners therein who claimed to be the members of the Government Veterinary Hospital Committee, Salur, as co-defendants.

2. Heard Sri M. Vidyasagar, learned counsel for the revision petitioner, and learned Government Pleader for Arbitration. The learned counsel has not pressed the present revision so far as respondent No.6 is concerned, who in fact, is no more, and also not pressed against respondent No.10. Rest of the unofficial respondents have not chosen to enter their appearance.

3. The only point that requires consideration in the present revision is:

Whether the order challenged herein can be sustained?

4. The erstwhile Government of Andhra Pradesh through its Principal Secretary, Animal Husbandry and Fisheries (AH.III) Department, issued G.O.Ms. No.213, dated 09-12-1993, with the object of constitution of Advisory Committees Veterinary Institutions for its development and maintenance and also for ensuring prompt and

proper service to the public. In paragraph No.2 of the said order, the Government has authorized the Joint Directors of Animal Husbandry of the concerned Districts to constitute the Advisory Committees for different Veterinary Institutions located within their jurisdiction consisting of the members as follows:

- “a) President of the Milk Cooperative Society where such society is existing in the area covered by the Institution.
or
Where a Milk Society is not existing a progressive Farmer.
- b) Progressive Sheep Farmer (Shepherd)
- c) Surpanch of the Village
- d) One Member from SC/ST/BC community and in the absence of such member, one among the above five shall be co-opted.
- e) Two Social workers and one of whom will be a lady social worker.
- f) The Head of the Institution – Member/Convener.”

The functions required to be discharged by the said Committee have been narrated therein.

5. The revision petitioner filed the aforesaid suit claiming the relief of perpetual injunction against respondent Nos.1 and 2 herein stating that Acs.1-80 cents of land was gifted to the Veterinary Department by way of Gift Deed, dated 12-11-1969 by the father of the revision petitioner for construction of a hospital building, while the Committee was represented by its Chairman and the then Member of Legislative Assembly (MLA) Sri A. Yeruku Naidu. It is his case that the Government has utilized Ac.0-40 cents out of Acs.1-80 cents and rest of the extent i.e., Acs.1-40 cents was returned to his father.

6. Be that as it may, these facts and other disputes centering the main controversy are unnecessary to refer to herein for the reason that the order passed by the Court below does not reflect whether any proceedings was issued by the Joint Director concerned constituting a Committee with the implead petitioners. Even, the learned Government Pleader for Arbitration is unable to show that any such proceedings was issued showing that the implead petitioners are the members of the Advisory Committee for that Veterinary Institution. Therefore, it is desirable to set aside the same and remit the matter to the Court below to enable respondent Nos.1 and 2 to submit the proceedings, if any, issued by the Joint Director of Animal Husbandry showing the implead petitioners as members constituted the said committee.

7. Accordingly, the Civil Revision Petition is allowed setting aside the order dated 18-01-2011, in I.A. No.131 of 2010 in O.S. No.115 of 2006, and the matter is remitted to the learned Junior Civil Judge, Salur to dispose of the same afresh in the light of the point indicated in the above. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand closed.

A. SHANKAR NARAYANA, J

December 30, 2016.

Mgr