

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

CIVIL REVISION PETITION No.4672 of 2016

ORDER:

This Revision is filed challenging the order dt.24-08-2016 in I.A.No.166 of 2013 in A.T.C. No.6 of 2008 of the I Additional Junior Civil Judge, Kovvur and FAC Principal Junior Civil Judge, Kovvur.

2. The 1st respondent herein filed the said A.T.C. against respondent Nos.2 and 3 under Section 15 and 16 of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (for short “the Act”) to determine the price of the A.T.C. schedule property, to permit the 1st respondent to deposit the same into the Tribunal within the time granted by the Tribunal as per law, to direct respondent Nos.2 and 3 to receive the sale consideration and execute the sale deed as per the provisions of the Act, and in default, the Tribunal should get the same completed through process of law. He also sought a direction to permit the 1st respondent to deposit the rent payable to the landlord with the Tribunal till the tenancy is terminated under law.

3. During pendency of the A.T.C., the petitioner herein purchased the A.T.C. schedule property under a registered sale deed dt.06-02-2013. Therefore, I.A.No.166 of 2013 was filed by 1st respondent to implead the petitioner herein as 3rd respondent in the said A.T.C.

4. Counter-affidavit was filed by petitioner opposing this application and taking a plea that he is a *bona fide* purchaser for

consideration of the property and he has been in possession and enjoyment thereof ever since the date of execution of the sale deed. It is also contended that the sale deed executed in his favour is not in contravention of any provision of the Act and that the proceedings between the 1st respondent and respondent Nos.2 and 3 do not bind him. He also claimed that he was not aware of pendency of the present A.T.C.

5. By order dt.24-08-2016, the primary Tribunal allowed the said application. It held that when it is the case of 1st respondent that during pendency of the lease, petitioner purchased the property without respondent Nos.2 and 3 giving option to 1st respondent to purchase it, he is a proper party to the A.T.C., that no prejudice would be caused to petitioner and it would also avoid multiplicity of proceedings.

6. Challenging the same, this Revision is filed.

7. Though learned counsel for petitioner sought to contend that the reasoning of the primary Tribunal is not correct, I am unable to agree with the said submission. If the 1st respondent is a cultivating tenant of respondent Nos.2 and 3, then under Section 15 of the Act, he would have a preemptive right to purchase the A.T.C. schedule property and that right of the 1st respondent cannot be allowed to be defeated by execution of any sale deed by respondent Nos.2 and 3 in favour of petitioner.

8. This being the legal position, I find no infirmity in the order passed by the primary Tribunal impleading the petitioner as 3rd respondent in the A.T.C.

9. The Civil Revision Petition is accordingly dismissed at the stage of admission. No costs.

10. However, the primary Tribunal shall expedite the disposal of A.T.C. since it is of the year 2008 and shall decide the same within four (04) months from the date of receipt of a copy of this order.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 25-11-2016
Vsv/*

JUSTICE M.S.RAMACHANDRA RAO

