

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.1695 of 2016

ORDER:

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This civil revision petition under Article 227 of the Constitution of India by the unsuccessful petitioners/plaintiffs is directed against the orders dated 26.02.2016 of the learned Sub-Divisional Magistrate & Special Assistant Agent to Government, Mobile Court, Bhadrachalam ('the SDM', for brevity) passed in IA.no.123 of 2015 in OS.no.104 of 2015 filed for grant of a temporary injunction pending disposal of the suit.

2. I have heard the submissions of the learned counsel for the revision petitioners/plaintiffs at the stage of admission. I have perused the material record.

3. A perusal of the order impugned would disclose that the learned SDM having adverted to the pleadings of both the parties and the claim of the plaintiffs that they are the exclusive owners of the subject property had also adverted to the various documents including the assignment patta dated 29.10.1990 issued by the Tahasildar Mulakalapally; reports dated 06.07.2015 and 15.02.2013 with sketches prepared by the Assistant Director, Survey and Land Records, Special Survey Unit, Paloncha of Khammam; on line adangals/pahanies for the fasali 1424 issued by the Tahasildar on 27.05.2015; pattedar pass book and also the material papers related to the connected suit-OS.no.68 of 2009 and had held that the documents referred to above and the other documents had established a *prima facie* case for the 1st respondent and that the material documents are not sufficient to hold that the plaintiffs have a *prima facie* case. Having held so and recorded a finding that there is no balance of convenience in favour of the plaintiffs, the learned SDM had dismissed the application for temporary injunction filed by the plaintiffs and had vacated the interim order granted earlier.

4. The learned counsel for the revision petitioners/plaintiffs would contend

that the interim order was in force for a long time and that by the order impugned, the said order was vacated after seven months without properly appreciating the facts and the material documents and that the plaintiffs are also having e-seva receipts showing payment of land revenue and also the copies of the pahanies showing their *prima facie* case and that, therefore, the order assailed is unsustainable.

5. I have given earnest consideration to the facts and the submissions. Having regard to the multifaceted nature of the facts and considering the further fact that the order impugned is a well reasoned order, this Court finds no grounds to interfere with the same or admit the revision. Viewed thus, this Court finds that there is no merit in the revision petition and the revision petition is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed at the admission stage. However, the learned Sub-Divisional Magistrate and Special Assistant Agent to Government (Mobile Court), Bhadrachalam is directed to dispose of the suit-Os.no.104 of 2015 on merits and in accordance with the procedure established by law as expeditiously as possible and preferably within a period of four (04) months from the date of the receipt of a copy of this order; however, uninfluenced by the observations in the interlocutory orders impugned in this revision.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

26th April, 2016
Vjl