

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

C.R.P. No.5567 of 2016

O R D E R:

Heard counsel for the revision petitioner.

2. This Revision is filed challenging the order dt.19.04.2016 in ATA NO.17 of 2013 of the Tenancy appellate Tribunal-cum-Principal district Judge, West Godavari District at Eluru confirming the order dt.11.07.2013 in I.A.No.638 of 2012 in A.T.C.No.18 of 2012 of the Special Officer(Tenancy)-cum-Principal Junior Civil Judge, Tanuku.

3. Petitioner filed the above ATC against the respondent claiming that he is a tenant of the ATC schedule property, that he is in possession of the same and the respondent was trying to evict him without following due process of law.

4. Pending ATC, petitioner filed I.A.No.638 of 2012 under Rule 19(i) of Andhra Tenancy Rules 1980 for grant of ad-interim injunction against the respondent.

5. Respondent filed a counter denying that there is any relationship of landlord and tenant between her and the petitioner, and contending that the petitioner is the son of her junior paternal aunt and was looking after the property and collecting rent apart from paying taxes on her behalf, and that he was never in possession of the property.

6. By order dt.11.07.2013, the Special Officer(Tenancy) dismissed the said I.A. holding that the petitioner is not in possession of the property.

7. Petitioner challenged the same by way of appeal ATA No.17 of 2013 before the Tenancy Appellate Tribunal.

8. By order dt.19.04.2016, the said appeal was also dismissed confirming the findings of the Special Officer(Tenancy).

9. Challenging the same this Revision is filed.

10. Though counsel for the petitioner sought to contend that the pleading of the respondent itself indicates about the possession of the petitioner, I am not inclined to go into the issue of possession at this stage, having regard to the fact that the concurrent findings of fact have been rendered by the Primary Tribunal as well as the Appellate Tribunal holding that the petitioner is not in possession of the subject property.

11. Therefore, this Civil Revision Petition is disposed of directing the Special Officer(Tenancy)-cum-Principal Junior Civil Judge, Tanuku to decide ATC No.18 of 2012 within a period of four (04) months from the date of receipt of a copy of this order, uninfluenced by its order in I.A.No.638 of 2012 or by the observations made in ATA No.17 of 2013 of the

Tenancy Appellate Tribunal or of this Court in this Revision.

There shall be no order as to costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

25th November, 2016
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