

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.4945 OF 2011

DATED : 09.11.2017

Between :

Talasu Nana Rao S/o.Late Bhavannarayana,
Aged about 71 yrs, Hindu, Occu : Gold business,
Nanarao Jewellers, Main road, Kasibugga,
Palasa-Kasibugga Municipality & another.

.. Petitioners

And

Penta Sita Kalyani W/o.Ramachandramurthy,
Aged about 57 yrs, Occu : Household duties,
R/o.old NG-5 road, Kasibugga,
Palasa-Kasibugga Municipality & another.

... Respondents



This court made the following :

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ORDER :

Heard.

2. The material placed on record would disclose that 1st respondent/plaintiff herein filed a suit for permanent injunction to restrain the Municipal authorities from interfering with the suit schedule property. The subject land was gifted to her by her father-in-law, by an unregistered settlement deed and decree was passed in her favour. She has constructed a Buddy and enjoying the said property and alleges illegal interference and dispossession by the municipal authorities.

3. The petitioners herein filed I.A.No.530 of 2009 to implead them as defendants in the suit. Petitioners allege that the plaintiff is in occupation of the public road and therefore, petitioners intend to oppose the claim of the plaintiff of alleged interference by the Municipality. It is their case that large number of people are affected by occupation of public road. Therefore, on behalf of Vacant Space Owners the said I.A. was filed.

4. On consideration of the issue, the trial Court rejected the said I.A., for impleadment against which this revision is filed.

5. As briefly noted above, the suit is filed against the Municipality by the plaintiff alleging interference on the property claimed by the plaintiff who is in occupation. If petitioners have any grievance on the alleged encroachment of public road by the plaintiff, that would give them an independent cause of action and

to work out appropriate legal remedies as available to them. As no relief was sought against the petitioners by the plaintiff and the grievance was only against alleged interference by the municipal authorities, petitioners cannot seek to come on record as defendants in the suit and oppose the prayer sought by the plaintiff.

6. Therefore, I do not see any error in the decision arrived at by the trial Court warranting interference by this Court.

7. Civil Revision Petition is accordingly, dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

9th November 2017
Rds

P.NAVEEN RAO,J

