

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1273 of 2017

ORDER:

The petitioner herein filed O.S.No.185 of 2013 on the file of the Principal Senior Civil Judge, Ongole for the relief of declaration of title in respect of the suit schedule property to an extent of Ac.1.76 cents in Survey No.345 and Ac.0.58 cents in Survey No.1175/6 of Vinodarayudupalem Village, Hamlet of Kanaparathi Village, Nagaluppalapadu Mandal, Prakasam District within specific boundaries. The petitioner along with two others filed O.S.No.959 of 2005 on the file of the Principal Junior Civil Judge, Ongole seeking permanent injunction and an Advocate-Commissioner was appointed in the said suit. The Commissioner filed his report with regard to the extent of land, which is in possession of the petitioner. However, the said suit was withdrawn and the petitioner herein alone filed the instant suit seeking declaration of title. In the suit, he filed I.A.No.567 of 2013 for appointment of an Advocate-Commissioner to inspect the suit schedule property and measure the same with the assistance of the Mandal Surveyor with reference to FMB and file a report along with the plan.

The respondents filed a counter stating that the suit schedule property, which is located in Survey No.345 of Vinodarayudupalem Village, was shown as items 1, 2, and 3 in O.S.No.959 of 2005. Vinodarayudupalem Village is not a revenue Village and is located in the Hamlet of Kanaparathi Village. The land in Survey No.1175, with its sub-division numbers 1 to 6, belongs to the Government and the entire land was assigned to the landless poor persons. The land in Survey No.1175/6 is an extent of Ac.1.52 cents and it was assigned to

respondent No.1. The respondents have nothing to do with the land in Survey No.345, but claimed the land in Survey No.1175/6. It is also stated that an Advocate-Commissioner was appointed in O.S.No.959 of 2005 and the land in possession of respondents was measured and a report was also filed. The plaintiff in the instant suit, who is none other than one of the plaintiffs in O.S.No.959 of 2005, filed a petition for redirection, but the said application was dismissed by the learned Principal Junior Civil Judge, Ongole, long back. Ultimately, the suit was not pressed.

The trial Court considered all the aspects and noted that the respondents filed a copy of the Advocate Commissioner's report along with the report submitted by the Deputy Inspector of Survey and his plans, which clearly show the survey numbers and the boundary lines. The trial Court observed that since the petitioner claimed declaration of his right and title, she has to establish the same by adducing cogent evidence. Accordingly, the trial Court dismissed the application by order, dated 20.01.2017.

In the facts and circumstances of the case and after going through the record, I am in agreement with the order passed by the trial Court and it does not warrant any interference by this Court.

The civil revision petition is accordingly dismissed at the stage of admission.

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

A.RAMALINGESWARA RAO,J

Dt:09.06.2017

kdl

