

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**C.R.P.No.3040 OF 2017****ORDER**

This Civil Revision Petition is directed against the order dated 3.4.2017 passed in I.A.No.524 of 2016 in O.S.No.131 of 2008 by the Senior Civil judge, Markapur.

Heard learned counsel appearing for the petitioner.

Respondents 1 and 2 herein are plaintiffs and respondents 3 to 6 herein are defendants.

Respondents 1 and 2 filed O.S.No.131 of 2008, against respondents 3 to 6, seeking declaration of right and title in respect of the schedule property of an extent of 230 square yards situated in Sy.No.110/A/3 of Peda Dornala Village, Prakasam District.

The petitioner, who claims to be the President of Mandal Parishad, is a proposed party. He filed the present application on the ground that respondents 3 to 6 colluded with respondents 1 and 2, did not produce proper documents before the Court to defend the case and save the public property.

A counter-affidavit is filed in the said application disputing the collusion stating that the petitioner is a political enemy to respondents 1 and 2 and he has not filed any documents and, when the suit is posted for defendants' side arguments, he filed the present petition only to drag on the matter.

The trial Court dismissed the said application *vide* order dated 03.04.2017 with the following observations:

“At this stage, the petitioner filed this petition seeking an order to implead him as defendant No.5 in the main suit. As per the petitioner, the suit property belongs to Government and respondents 1 and 2 are trying to grab the same. The petitioner filed certified copy of pahani for 1426F and attested copy of house tax demand register and they were marked as Exs.A1 and A2. After the matter was posted for orders, the petitioner filed true copies of notice dt.23.08.2008, letter dt.01.10.2008, letter, abstract of G.O.Rt.No.598, dt.28.04.1998, adangal, letter dt.28.12.2011, letter dt.13.10.2008, house tax receipt, enquiry report, particular of house tax demand and other documents. In the main suit, the Government filed written statement, got examined DW1 and DW2 and got marked Exs.B1 to B10. The present petitioner is working as the President, Mandal Praja Parishad, Dornala. He is representative of people. The Mandal Parishad, Dornala is 4th defendant in the main suit. The defendants 1 to 3 are Government Officials. The petitioner is not right person to agitate anything. As

per record, Sri P.Balaji Naik, Ex-Mandal President, Dornal filed I.A.No.99/2009 under Order 1 Rule 10 of CPC and it was dismissed on merits. One Nagella Suresh Babu filed I.A.No.362/2009 under Order 1 Rule 10 of CPC and it was also dismissed on merits. The present petitioner is working as the President, Mandal Praja Parishad, Dornala. He has no *locus standi* to contest the suit. Being representative of people, the petitioner has no right or semblance of right over the suit property. Therefore, the documents filed by the petitioner are not considered. The right person is the Government and it is there on record. In view of these reasons, I hold that the petitioner is not entitled to come on record as defendant No.5. The point is answered accordingly.”

I am in agreement with the reasoning given by the trial Court and I do not see any ground to interfere with the impugned order. No costs.

The Civil Revision Petition is dismissed accordingly at the admission stage.

JUSTICE A.RAMALINGESWARA RAO

2nd July, 2017
Rkk

