

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.3104 OF 2017

ORDER:

The present Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the petitioner, who is plaintiff in Agency O.S. No.A / 759 / 2016, seeking the relief, thus:

“It is therefore prayed that the hon’ble court may be pleased to **set aside** the order dated 8-6-2017 passed by the Agency Divisional Officer of Utnoor in Adilabad district in Full Additional Charge of the Joint Collector of Adilabad district, in Agency OS no.A/759/2016; and pass such other order/s as the hon’ble court may deem fit and proper in the circumstances of the case.”

2. Heard Sri B. Vijaysen Reddy, learned counsel for the revision petitioner, and Sri S. Surender Reddy, learned counsel for the respondents, and perused the material on record.

3. The learned counsel for the revision petitioner would submit that the revision petitioner having lost the suit before the Agency Court, preferred an appeal before the appellate forum presided over by the Project Director and the subject property is said to be located in the agency area, but the parties are non-tribals. It is according to the learned counsel that since there is no regular Presiding Officer for the appellate forum, Mancherla Project Director is made In-charge of the appellate forum and as there is urgency, the present revision is preferred.

4. Per contra, the learned counsel for the respondents would submit that what ought to be done by the appellate forum i.e., the Project Director, where the appeal is still pending, cannot be said to be disposed of by this Court by way of this revision. He has drawn attention to the relief claimed in the appeal preferred by the revision petitioner.

5. The grounds of appeal are filed in the material papers by the revision petitioner. It is filed before the Project Officer, ITDA, Utnoor, on 24.06.2017 itself. The relief sought for reads thus:

“That, the Hon’ble court may kindly be pleased to set aside the Judgment and decree passed by the learned Hon’ble Agency divisional Officer Cum FAC Joint Collector: Adilabad, Agency Original Suit No.A/759 Of 2016 dated and allow this appeal by decreeing the suit of the appellant and dismiss the counter claim of the respondent in view of the facts and circumstances of the case, in the interest of justice.” जयते

6. It is true, what all contended by the learned counsel for the respondents that the relief in the present revision as well as the relief in the appeal are identical. Certainly, a revision of this nature is misconceived when a regular appeal is pending before the concerned appellate forum.

7. In that view of the matter, neither interim direction can be given as sought for in the interlocutory application nor revision can be maintained.

8. Therefore, the Civil Revision Petition is dismissed at the admission stage itself. There shall be no order as to costs.

9. As a sequel thereto, Miscellaneous Petitions, if any, pending in the revision stand dismissed.

10. It is needless to mention that the Project Director presiding over the appellate forum shall dispose of the application filed for grant of interim relief within three (3) months from the date of receipt of a copy of this order.

September 18, 2017.

PV

A. SHANKAR NARAYANA, J

