

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

C.R.P.No.4665 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. This Revision Petition is filed assailing the order dt.04-04-2017 in I.A.No.427 of 2016 in L.R.A.No.3 of 2006 of the II Additional District Judge, West Godavari District, Eluru.

3. The petitioners herein are appellants in the said L.R.A. They filed the said L.R.A. challenging the orders passed declaring them to be surplus agricultural land holders. They filed I.A.No.427 of 2016 to appoint an Advocate Commissioner to verify the correct extent of land keeping in mind No.3 account of ROR and report as to how many plots were made in the alleged excess land to the landless poor persons by the said provision before the appeal is decided.

4. Counter affidavit was filed admitting that the land was converted into plots and pattas were issued to the third parties.

5. By order dt.04-04-2017, Court below dismissed the said application. It held that once the State has made an averment in the counter affidavit that the property was already given to third parties for construction houses and for agricultural operation, the appointment of advocate Commissioner is unnecessary particularly when there is no controversy in relation to the identity and the location of the property.

6. Assailing the same, this Revision Petition is filed.

7. Though learned counsel for the petitioner sought to contend that appointment of Advocate Commissioner is necessary in order to acquaint the Court below that the extent to which constructions have been made, having regard to the admission made in the counter affidavit filed on behalf of the State in the Court below, no useful purpose would be served by appointing Advocate Commissioner, particularly, when there is no controversy in the identity and location of the property.

8. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 06-10-2017
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