

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4513 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Order dt.22.01.2016 in I.A.No.145 of 2015 in R.C.No.355 of 2013 on the file of III Additional Rent Controller at Hyderabad, whereby the III Additional Rent Controller dismissed the petition filed under Section 151 of Code of Civil Procedure Code to implead the petitioners in RC No.355 of 2013 as respondent Nos. 2 to 7.

The petitioners are the children of Syed Ahmed Abdul Quddus, who purchased the schedule property from his mother by registered sale deed dt. 18.07.1996, and thus he became the owner of the property, as he died in the year 2004, the petitioners being legal heirs, succeeded the property and became the land lords.

The respondent/Smt Poonam Devi Agarwal, filed R.C.No.355 of 2013 under Section 8 (5) of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 ( for short "the 1960 Act"), seeking permission to deposit rents alleging that the land lady—Smt Mahboob Fatima did not furnish the details for deposit of rents etc., after complying

mandatory procedure under Section 8 (1) to (4) of the 1960 Act and also obtained interim order for deposit of rent every month during pendency of the petition filed under Section 8 (5) of the 1960 Act.

The petitioners filed this Petition contending that they are entitled to recover the rent from the respondent No.1 and that Mehboob Fatima is not the land lady subsequent to execution of the registered Sale Deed dt. 18.07.2017 in favour of their father—Syed Ahmed Abdul Quddus by his mother, but the petitioners, who are not recognized as legal heirs, are not entitled to come on record in the proceedings filed under Section 8 (5) of the 1960 Act. If really, the petitioners are the owners of the property and became the landlords of the respondent No.1, the course open to them is different, but they cannot come on record in the petition filed under Section 8 (5) of the 1960 Act. Payment of rent or deposit of rent to the credit of RC No.355 of 2013 filed under Section 8 (5) of the Act is subject to establishing the relationship between the land lady and tenant i.e., second and first respondent herein. If for any reason, the said Mehboob Fatima is not the land lady and these petitioners are the land lords subsequent to death of Syed Ahmed Abdul Quddus, the petitioners alone are entitled to receive rent. Deposit of rent to the credit of RC No.355 of 2013 or payment of rent to Mehboob Fatima would not amount to

payment of rent to the petitioners subject to the proof of their relationship of landlords and tenant. Therefore, in such proceedings, the petitioners cannot be permitted to come on record to claim rent allegedly payable to Mahaboob Fatima, the grand mother of the petitioners. Therefore, the present petition is liable to be dismissed as I find no merits warranting interference of this Court in the Order passed by the trial Court while exercising power under Article 227 of the Constitution of India, which can be exercised only to keep the tribunals and subordinate courts under the control of the High Court within the bounds of their jurisdiction..

Accordingly, this Civil Revision Petition is dismissed. However, liberty is given to the petitioners to initiate appropriate proceedings separately under the provisions of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, if advised.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

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M. SATYANARAYANA MURTHY, J

Date: 06-06-2017.

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