

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.7177 of 2017

ORDER

This revision petition under Article 227 of the Constitution of India is filed questioning the order dated 27.04.2017 passed in I.A.No.242 of 2017 in C.M.A.No.10 of 2017 by the Special Judge for Trial of Cases under SCs and STs (POA) Act, 1989-cum-VII Additional District Judge at Khammam, restraining the petitioner/respondent No.4 in conducting auction of fishing rights in the village tank while exercising power under Order 39 Rules 1 and 2 of C.P.C.

2. The main ground urged before this Court by the petitioner is that the disputed tank is vested with the Grampanchayat under Section 80 of Telangana State Panchayat Raj Act, 1994.

3. At this stage, it is not appropriate to decide this petition since C.M.A.No.10 of 2017, which is filed against the order of dismissal of an application under Order 39 Rules 1 and 2 of C.P.C., is pending. When the said C.M.A. is pending, passing interim order in I.A.No.242 of 2017 in C.M.A.No.10 of 2017 is illegal. But this Court cannot set aside the order impugned at this stage. However, the appellate Court is directed to decide C.M.A.No.10 of 2017 to avoid loss to the Gram Panchayat or any other parties to the suit, within three months from the date of receipt of a copy of this order.

4. With the above direction, the Civil Revision Petition is disposed of. No order as to costs.

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

M. SATYANARAYANA MURTHY, J

22nd December, 2017
sj

