

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.569 & 570 of 2018

COMMON ORDER:

Heard learned counsel for the revision petitioner/plaintiff and learned counsel for the proposed parties who are impleaded as defendant Nos.4 to 7 in addition to the original defendant Nos.1 to 3, who are Ongole Municipal Corporation represented by its Commissioner, Divisional Engineer and Assistant Divisional Engineer of APSPDCL.

The suit filed by the sole plaintiff against the official defendants, was for the relief of permanent prohibitory injunction restraining cancellation of licence of the floor mill and disconnection of power supply. The proposed defendants sought for impleadment in I.A.Nos.390 & 391 of 2017 i.e., one in the suit and other in the temporary injunction application in I.A.No.339 of 2017 and it were on contest allowed by the lower Court, which are impugned in the present revisions. No doubt as held by the Apex Court in **Ramesh Hiranand Kundanmal Vs. Municipal Corporation of Greater Bombay**¹, in relation to the demolition of the structures raised by the plaintiff unauthorizedly in the lease premises by the Municipality, the owner of the premises sought for impleadment, the Apex Court stated that they are neither necessary nor proper parties, which are the criteria for the impleadment in the factual matrix. In fact the proposed action by the municipality-the 2nd respondent against the plaintiff-revision petitioner is for abatement of the nuisance causing from the floor mill. Once such is the case, the neighbour also got a say, thereby

¹ 1992 (2) SCC 524

they are if not necessary parties at least proper parties. Once such is the case and discretion is duly exercised by the trial Court, for this Court within the limited scope, there is practically nothing to interfere.

Accordingly and in the result, both the Civil Revision Petitions are disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.03.2018
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