

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No.3839 of 2018

ORDER :

This Civil Revision Petition is filed by the petitioner/plaintiff seeking a direction to the learned Sub-Divisional Magistrate & Special Assistant Agent Mobile Court, Bhadrachalam, Khammam District, to consider and dispose of interlocutory application in I.A.No.386 of 2017 in O.S.No.420 of 2017 filed by him seeking interim injunction restraining the respondents/defendants and anybody on their behalf from interfering with his possession and enjoyment of the petition schedule property.

Heard the arguments of the learned counsel for the petitioner/plaintiff and the Civil Revision Petition is being disposed of at the stage of admission.

Learned counsel for the petitioner/plaintiff submits that the petitioner/plaintiff has filed a suit in O.S.No.420 of 2017 on the file of the Sub-Divisional Magistrate & Special Assistant Agent Mobile Court, Bhadrachalam, for perpetual injunction in his favour and against the defendants restraining them from in any way interfering with his peaceful possession and enjoyment of the suit schedule property. Along with the suit, he also filed I.A.No.386 of 2017 on 27.12.2017 seeking interim injunction restraining the

respondents/defendants from interfering with his possession and enjoyment of the petition schedule property. The grievance of the petitioner/plaintiff is that despite long lapse of time, so far, the said application has not been disposed of by the learned Sub-Divisional Magistrate.

Learned counsel for the petitioner/plaintiff has referred to a decision of this Court in CRP.No.4871 of 2015, dated 04.12.2015, wherein this Court directed the learned Agent to Government/District Collector, Khammam District, to dispose of I.A.No.125 of 2015 in O.S.No.36 of 2015 within a reasonable time.

In fact, as per Article 227 of the Constitution of India, the High Court can exercise the power of superintendence over all the Courts under its jurisdiction, only in cases where there is a failure of exercise of jurisdiction by the Court concerned. In the instant case, the petitioner is seeking a direction to the Court below to dispose of the I.A.No.386 of 2017 expeditiously. Such a direction cannot be given to the Courts below without knowing the priority of the cases before the said Courts. However, the petitioner is given liberty to make a representation before the Court below for taking up I.A.No.386 of 2017 in O.S.No.420 of 2017 on priority basis. On such representation, the Court below may consider for the disposal of the I.A.No.386 of 2017.

Accordingly, the Civil Revision Petition is disposed of.
No order as to costs.

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

GUDISEVA SHYAM PRASAD, J

28.09.2018.
Msr



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