

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.No.3773 of 2018

ORDER :

This CRP is filed against the order dated 09-02-2018 passed in I.A.No.14 of 2018 in O.S.No.107 of 2012, wherein and whereby the application filed under Order 16 Rules 6 and 7 and Section 151 of C.P.C. read with Rule 129 of Civil Rules of Practice filed by the petitioner/plaintiff.

Learned counsel for the petitioner submits that respondents/defendants filed application for receiving tax receipts after filing of the above suit and said I.A. was allowed. The said documents are challenged on the ground that the house tax demand notice and receipt dated 26-10-2016 issued by the Secretary, Turupupalem, Grampanchayat for the year 2016-2017 during pendency of suit proceedings in the name of dead person Arepalli Gokayya. As such, the petitioner filed present I.A. for seeking summons to Secretary, Turupupalem Grampanchayat, Poduru Mandal to produce the records for imposing and collection of taxes in respect of R.S.No.453/5, but the Court below without considering the same dismissed the application.

Learned counsel appearing for respondents submits that the petitioner seeking production of records pertaining to RS.No.453/5 to an extent of Ac.1 ½ cents, respondents can produce records pertaining to house but not in respect of lands. He also submits that the suit is filed for injunction, it is for the petitioner to prove that he is in possession of suit schedule land as on the date of filing of suit.

In this case, admittedly, the petitioner is seeking summons to Panchayat Secretary for producing records in RS.No.453/5 to an extent of Ac.1 ½ cents, but no house bearing number is provided. Normally, Grampanchayat will be collecting taxes on the house properties and as such, for house properties only, records will be available with them. More so, when the suit filed by the petitioner is for simplicitor injunction, it is for him to prove that he is in possession of the suit schedule property as on the date of filing suit and the trial Court has rightly considered the said aspect and dismissed the application.

In view of the same, I do not see any infirmity in the impugned order passed by the Court below to interdict the same by exercising power under Article 227 of Constitution of India.

Accordingly, the revision petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this CRP shall stand closed.

JUSTICE A.RAJASHEKER REDDY

20-08-2018
nvl