

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Revision Petition No.2147 of 2012

ORDER:

No representation for the petitioner and also no representation for the respondents.

2. The present Civil Revision Petition is filed questioning the order dated 30.04.2011 in I.A.No.166 of 2011 in I.A. No.2891 of 2007 in L.G.C. No.2 of 2002 on the file of Chairman, LRAT-cum-II Additional District Judge, Warangal, which application was filed seeking the relief under Order VI Rule 17 of Civil Procedure Code, 1908 (for short, 'C.P.C.') to amend the cause-title by mentioning the names of the original petitioners along with the proposed petitioners.

3. In fact, A.P. Housing Board filed the Application to implead it as petitioner No.4 claiming that it owns the property in L.G.C. No.2 of 2002 but by mistake and oversight the petitioners to the L.G.C. No.2 of 2002 were shown as respondents, and, therefore, sought to amend the cause title accordingly.

4. The order reflects that an objection taken relates to the main controversy, whether the Housing Board is having any right over the property or otherwise and separate L.G.C. ought to have been filed and earlier LGC No.11 of 1997 was dismissed by the Special Court and A.P. Housing Board which is a statutory body and legal person

acting independently and State cannot represent it, and, therefore, proposed amendment is not maintainable.

5. Learned II-Additional District Judge, Warangal, holding that the question whether Housing Board is the owner or whether the Housing Board can represent the State Government or not are all the questions to be considered during the appropriate stage of the case and thus, making certain observations allowed the petition to amend the cause title.

6. Though, there is no representation for both sides since LG.C. relates to the year 2002 and has been pending for the past several years and the present Civil Revision Petition was filed in the year 2012 and stay was granted on 27.9.2012, on account of which proceedings before the LG.C. Court stalled.

7. The present Civil Revision Petition is disposed of, as rightly observed by the Court below, the question relating to whether the Housing Board is the owner or Housing Board can represent the State Government or not can be examined at an appropriate stage.

8. There is no material irregularity in the order passed, which is under challenge herein.

9. Therefore, the present Civil Revision Petition is dismissed directing the II-Additional District Judge, Warangal, to

dispose of L.G.C. within a period of six (6) months from the date of receipt of copy of the order. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the Civil Revision Petition shall stand closed.

A.SHANKAR NARAYANA

Dt. 04.04.2018
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