

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.338 of 2019

ORDER:

This Revision is filed assailing the order dt.11.02.2019 in I.A.No.493 of 2018 in O.S.No.19 of 2008 of the Senior Civil Judge, Jangaon.

2. Petitioners herein are legal representatives of the plaintiff in the above suit, who had died pending suit.

3. The original plaintiff had filed the said suit for declaration of his title, recovery of possession and for perpetual injunction.

4. Pending the suit, petitioners filed I.A.No.493 of 2018 to implead (1) the Regional Sainik Welfare Officer, Waddepally, Warangal District, (2) Assistant Director, Survey and Land Records, Warangal(Presently Jangaon District), (3) Village Revenue Officer, (4) Tahsildar, Husnabad, and (5) District Revenue Officer, Bhongiri, Yadadri District as eonominee parties in the suit on the ground that they are responsible for manipulation of certain revenue records to benefit the respondents 1 and 2.

5. As regards the Regional Sainik Welfare Officer and Assistant Director of Survey and Land Records, Warangal, there was no mention in the affidavit filed in support of I.A.No.493 of 2018 as to why they are sought to be impleaded.

6. Respondents 1 and 2 filed a counter opposing the said application and contending that the officials cannot be impleaded for

deeds and acts done in their official capacity during their employment, particularly, when no notice under Section 80 of CPC was issued. It is also pointed out that petitioners do not seem to be keen to have the suit disposed of, though it had been pending for more than a decade and they seem to wish to prolong the litigation.

7. By order dt.22.01.2019, the Court below dismissed the said I.A.

8. Challenging the same, this Revision is filed.

9. Counsel for petitioner himself states that the Regional Sainic Welfare Officer and the Assistant Director of Survey and Land Records are not necessary parties and he does not wish to press for their impleadment since there were no allegations leveled against them in I.A.No.493 of 2018.

10. As regards respondents 8 to 10, however, he contends that they should have been impleaded as parties by the Court below.

11. The Court below held that petitioner had already filed W.P.No.4624 of 2018 in this Court against the proposed respondents also, that the District Collector, Jangaon, Tahsildar, Jangaon and Revenue Divisional Officer, Jangaon were already parties in the suit, and that it is not necessary to implead proposed respondents 8 to 10 when no relief is sought against them and when a decree can still be passed in the suit in their absence.

12. Though counsel for the petitioner sought to contend that this reasoning is not correct, I am of the opinion that Officials of the

State Government cannot be impleaded on the whims and fancies of the parties, particularly, when the District Collector, Revenue Divisional Officer and Tahsildar are already on record in the suit. There is no necessity to implead other revenue officials as eonominee parties, more so, when there is no relief sought against them in the suit.

13. Therefore, I do not find any merit in this Civil Revision Petition and it is accordingly dismissed at the admission stage. No order as to costs.

14. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

20th February, 2019.

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