

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP. No.1258 of 2019

ORDER:

This Revision is filed challenging the order dt.09.04.2019 passed in I.A.No.415 of 2019 in O.S. No.139 of 2012 by the Senior Civil Judge, Sangareddy to summon the Mandal Revenue Officer, Patancheru Mandal, Sangareddy District along with the necessary documents.

Petitioners herein are the plaintiffs in the suit which they have filed seeking declaration that certain sale deeds are illegal, null and void. They alleged that prior to suit there was final patta certificate dt.13.09.2007 issued in Case No.B3/Inam/442/1996 by the Revenue Divisional Officer, Sangareddy to their father; that the sale deeds impugned in the suit had been brought into existence during the pendency of suspension order dt.03.11.2000 passed by the Joint Collector, Medak District, Sangareddy in Case No.F3/19/Inam/2000-F3/6221/1999; that the Mandal Revenue Officer, Patancheru Mandal, Sangareddy District acted in violation of the orders of the Joint Collector, Medak and also *status quo* order passed in CRP. No.5141 of 2013 in issuing mutation proceedings, pattadar pass books and title deeds to the respondents; and therefore, he should be summoned to give evidence to speak about the proceedings issued by him and also to produce them.

By order dt.09.04.2019 the Court below dismissed the said application pointing out that the Mandal Revenue Officer, who is now functioning at Patancheru would not be able to answer anything about what transpired between 2000-2004 and there is no point in summoning him to give evidence.

Though counsel for the petitioners sought to contend that this view is not correct, the fact that between 2004 and today the incumbent of the office of the Mandal Revenue Office, Patancheru Mandal, Sangareddy would change from time to time is a matter of which the Court can take judicial notice. It is also not the contention of the counsel for the petitioners that the Officer holding office as on today was also the Officer against whom the allegations were leveled by the petitioners in I.A. No.415 of 2019. Therefore, no useful purpose would be served by summoning the present incumbent Mandal Revenue Officer, Patancheru Mandal, Sangareddy District when the conduct of the said official is not in issue in the suit and he himself is not made a party *Eo nomine* in the suit.

Therefore, I do not find any error of jurisdiction warranting interference of this Court under Article 227 of the Constitution of India with the impugned order.

This Revision accordingly fails and is dismissed. There shall be no order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 07.06.2019
LSK

