

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2643 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the order, dated 05.10.2019, passed in I.A.No.349 of 2017 in O.S.No.383 of 2017, by the Sub-Divisional Magistrate and Special Assistant Agent to Government, Mobile Court, Bhadrachalam, whereby, the petition filed by the petitioner/plaintiff under Rules 6 & 14 of the T.S.Agency Rules, 1924, seeking interim injunction restraining the respondents/defendants from interfering with the possession of the petitioner/plaintiff over the suit schedule land, was dismissed.

2. Heard the learned counsel for the petitioner/plaintiff and perused the record.

3. The learned counsel for the petitioner/plaintiff would contend that the petitioner/plaintiff is the purchaser of the suit schedule land, under a simple sale deed, from its original owner. The petitioner/plaintiff has got pahanies to his credit to show his entitlement and possession over the suit schedule land. The learned Sub Divisional Magistrate, without considering the documentary evidence, dismissed the subject interlocutory application, which is erroneous and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. A perusal of the impugned order and the material placed on record reveals that the respondent No.1/defendant No.1 claimed to have purchased the suit schedule land under a simple sale deed in the year 1997. In the impugned order, the learned Sub-Divisional Magistrate was pleased to observe that in the pahanies for the year 2017-2018, the name of the respondent No.1/defendant No.1 is shown as enjoyer of an extent of Acs.1.00 guntas in the suit survey No.46/1. The said finding of the learned Sub-Divisional Magistrate is also supported by material. Under these circumstances, it cannot be said that there is *prima facie* case and balance of convenience in favour of the petitioner/plaintiff. The learned Sub-Divisional Magistrate, having examined the material and the contentions of both the parties, rightly dismissed the subject interlocutory application. There is nothing to take a different view. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

14th November, 2019
Bvv

Dr. SHAMEEM AKTHER, J