

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.4377 OF 2018

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 09.03.2018 passed in I.A.No.56 of 2017 in O.S.No.49 of 2017 by the learned Special Assistant Agent and Sub-Divisional Magistrate, Mobile Court, Bhadrachalam, Bhadradi Kothagudam District, wherein the application filed seeking interim injunction to restrain the respondents/defendants from interfering with the possession of the petitioner was dismissed vacating the temporary injunction order granted earlier.

2. Heard learned counsel for the revision petitioner and perused the record. There is no representation for the respondents.

3. Learned counsel for the revision petitioner would contend that though the revision petitioner has filed the copies of pahanies and other relevant revenue records establishing his possession over the disputed property, the learned Sub-Divisional Magistrate did not mark the same and erroneously vacated the temporary injunction granted in his favour and ultimately prayed to set aside the impugned order.

4. A perusal of the impugned order dated 09.03.2018 passed in I.A.No.56 of 2017 in O.S.No.49 of 2017 reveals that both the parties have filed copies of documents wherein the names of both the parties are mentioned in possession column. Having considered the same, the learned Sub-Divisional Magistrate vacated the temporary injunction order granted in I.A.No.56 of 2017 in O.S.No.49 of 2017 and recorded a clear finding that the revision petitioner failed to make out a *prima*

facie case and balance of convenience in his favour. The learned Sub-Divisional Magistrate had rightly exercised his jurisdiction and justified in passing the impugned order.

5. In the result, the Civil Revision Petition is dismissed. However, in the circumstances of the case, the learned Sub-Divisional Magistrate is directed to dispose of the suit in O.S.No.49 of 2017, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 25.10.2019
ssp

Dr. SHAMEEM AKTHER, J

