

THE HON'BLE SRI JUSTICE M.LAXMAN

**APPEAL SUIT Nos.1962 of 1999, 2571 of 2001 and 140 of
2006**

COMMON JUDGMENT:

1. This common judgment disposes of the above three appeals. The question involved in all the appeals is one and the same and further the subject matter in the appeals is same survey number. A.S.No.1962 of 1999 is directed against the judgment and decree dated 24.12.1998 in O.S.No.85 of 1996, A.S.No.2571 of 2001 is directed against the judgment and decree dated 24.12.1998 in O.S.No.84 of 1996, A.S.No.140 of 2006 is directed against the judgment and decree dated 24.12.1998 in O.S.No.83 of 1996 on the file of the Court of learned Senior Civil Judge at Adilabad. All the suits were filed for the relief of declaration of title and perpetual injunction. All the suits were decreed by the Court below. Aggrieved by the same, the appellants-defendants preferred the present Appeals.

2. The reliefs sought in all the suits are declaration of title and perpetual injunction. The said relief is sought for in respect of agricultural lands admeasuring Ac 30.00 gts in survey No.67/265 corresponding to old survey No.51/13 situated at Nagalkonda

Village in O.S.No.85 of 1996. Similar relief is sought for in respect of land admeasuring Ac 30.00 gts in survey No.67/259 corresponding to old survey No.51/10 situated at Nagalkonda Village in O.S.No.84 of 1996. The same relief is also sought for in respect of land admeasuring Ac 30.00 gts in survey No.67/263(new) corresponding to old survey No.51/13 situated at Nagalkonda Village. All the plaintiffs sourced their title from one Zakaria, who was the original owner of the subject lands. The appellants in the Appeals are defendants in the Suits.

3. Heard.

4. **Point for consideration:**

Whether Suit before Civil Court is maintainable in respect of Agency area ?

Point:

5. The appellants contested the claim of the respondents herein stating that the suit lands are Government lands. At the stage of hearing, it is stated that the subject lands are located in Nagalkonda Village, at Narnool Mandal, Utnoor Taluk and the said Nagalkonda Village is referred to at serial No.38 in the list of notified scheduled villages. Since, the said lands are situated in Agency area, there is bar on the exercise of jurisdiction of Civil

Court. Therefore, the Court below ought not to have entertained the suits in respect of lands pertaining to Agency area.

6. Learned Government Pleader also brought to the notice of the Court that specific plea pertaining to the bar of suit was also raised in the written statements filed by the appellants in respective suits but the Court below has not considered the said issue.

7. In view of the facts and circumstances, it is needless to say that once the lands fall under the purview of Agency area, there is bar on the exercise of jurisdiction by Civil Court. Therefore, the Court below ought not to have entertained the Suits. On this ground, the Appeals require to be allowed.

8. In the result, the Appeal Suit Nos.1962 of 1999, 2571 of 2001 and 140 of 2006 are allowed by setting aside the respective judgments and decrees in O.S.Nos.85, 84 and 83 of 1996 passed by the Court below. The respective complaints are ordered to be returned to be presented before the appropriate Court. No costs. Miscellaneous Petitions, pending if any, shall stand closed.

JUSTICE M.LAXMAN

16.12.2022
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Dated: 16.12.2022

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