

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.2579 OF 2020

ORDER: (ORAL)

With the consent of learned counsel for the petitioner, learned counsel representing respondent No.5 and 6 and learned Assistant Government Pleader for Social Welfare, this writ petition is disposed of at the stage of admission.

2. This writ petition is filed questioning the action of respondent No.3 – Agency Divisional Officer, Revenue Divisional Officer, Adilabad District in suit proceedings No.A/803/2019, dated 24.01.2020 in dismissing the suit filed by the petitioner against the respondent Nos.5 and 6 for grant of perpetual injunction in respect of agriculture land to an extent of Ac.0.20. guntas in Survey No.118, situated at Echoda Village Sivar, Echoda Mandal, Adilabad District(for short suit 'scheduled property'), without conducting any enquiry or trial.

3. Learned counsel for the petitioner contended that the petitioner filed suit under order VII Rule 1 and 2 read with Section 26 of Code of Civil Procedure, 1908 on the file of respondent No.3 along with the 13 documents for granting

perpetual injunction restraining the respondent Nos.5 and 6 in the writ petition who are defendants Nos.1 and 2 in the said suit from interfering with the suit scheduled property. Respondent No.3 dismissed the suit on 24.01.2020 without considering the contentions and documentary evidence of the petitioner.

4. Learned counsel appearing for respondent Nos.5 and 6 submits that respondent No.3 may be directed to pass orders afresh by fixing time limit.

5. The records disclose that the petitioner filed suit in O.S.No.A/803/2019 on the file of respondent No.3 for grant of perpetual injunction against the respondent Nos.5 and 6 in respect of suit scheduled property by enclosing documents. Respondent No.3 without considering the documentary evidence dismissed the suit.

5. Without going into the merits of the case and also in view of the submissions made by the respective counsels,

the impugned order dated 24.01.2020 passed by the respondent No.3 is set aside. Respondent No.3 is directed to pass orders afresh in accordance with law after giving opportunity to the parties concerned within a period of three (3) months from the date of receipt of the copy of this order. Till such time the petitioner as well as respondent Nos.5 and 6 are directed to maintain status quo in respect of subject property.

7. Accordingly, the writ petition is partly allowed. No costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

JUSTICE J. SREENIVAS RAO

19th January, 2023
PSW

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