

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CMA.No.59 of 2015

Date:12.02.2015

Between:

The Chief General Manager, Ramagundam-I,
Godavarikhani.

.....Appellant

And:

Pothu Raju and nine others.

.....Respondents

Counsel for the appellants: Sri J.Prabhakar

Counsel for Respondents: Sri Md. Ajmal Ahmad

The Court made the following:

ORDER:

This Civil Miscellaneous Appeal is filed against order, dated 19.01.2015, in IA.No.447 of 2014 in OS.No.28 of 2014, whereby the learned Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court-cum-VI Additional District and Sessions Judge, Godavarikhani has restrained the appellant by way of injunction from interfering with the possession of the respondents in respect of the suit schedule premises.

In the manner in which this Court is proposing to dispose of the appeal, it is not necessary to record the facts in detail.

At the hearing, it has come out that the appellant is

in contemplation of initiation of proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short 'the Act') against the respondents.

Sri J.Prabhakar, learned counsel for the appellant, submitted that in the event of initiation of such proceedings, the observations made by the lower Court in the order under appeal may prejudice the interests of the appellant.

A perusal of the order passed by the lower Court would show that while detailed findings have been rendered with regard to possession over the suit schedule property, the lower Court itself has granted injunction, subject to the right of the appellant to dispossess the respondents from the suit schedule property by following due process of law. Therefore, the observations made by the lower Court in the order under appeal shall not be conclusive and binding on the parties with regard to right of the respondents to remain in possession of the suit schedule property.

In other words, notwithstanding, the observations made by the lower Court in the order under appeal, the appellant is entitled to initiate proceedings against the respondents under the Act, if it is so advised, and the respondents are free to defend themselves in such proceedings.

Subject to the above observations, the Civil Miscellaneous Appeal is dismissed.

As a sequel to dismissal of the appeal, CMAMP.No.99 of 2015 filed by the appellant for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*12th February, 2015
DR*

