

Manohar Prashad

v.

Chairman, L.B.Nagar Municipality

(Supreme Court Of India)

HON'BLE MR. JUSTICE DALVEER BHANDARI HON'BLE MR. JUSTICE DEEPAK VERMA

Manohar Prashad v. Chairman, L.B.Nagar Municipality

Civil Appeal No. 8260 Of 2003 | 15-09-2010

1. This appeal is directed against the judgment of the High Court of Judicature of Andhra Pradesh at Hyderabad in Appeal No.886 of 1999 decided on 21st March, 2003. It may be pertinent here to mention that the appellants filed a suit in the Court of the Additional Subordinate Judge, Ranga Reddy District, Saroor Nagar, Hyderabad (Andhra Pradesh) in which they prayed for vacant possession of a portion of the premises comprising of two rooms, a varandah and a garage admeasuring 110 sq.yards and situated in the compound bearing Municipal No.3-1, Kothapet village, Uppal Mandal under L.B.Nagar Municipality, R.R.District shown in Schedule-B.

2. The appellants, who were the plaintiffs in the trial court had also prayed for a declaration that plaintiffs are owners of the structure and open land admeasuring about 1760 sq.yards situated within the compound wall bearing Municipal No.3-1, Kothapet village, Uppal Mandal, L.B.Nagar municipality, R.R.District. But from paragraph 11 of the plaint it is abundantly clear that the court fee was paid only in respect of 110 sq.yards and according to learned counsel for the parties that is the only dispute between the parties.

3. The appellants asserted that in the years 1981 and 1987 they allowed the Gram Panchayat, Kothapet to run their office in the premises belonging to them and they also asked them (the Gram Panchayat) to vacate, when they did not vacate, on 4.5.1991 the appellants issued notice and thereafter filed a suit for recovery of the said premises.

4. Learned counsel for the appellants submit that after the Gram Panchayat acquired its own building they vacated and abandoned the premises in question and the appellants took possession of the same on 9.1.2009.

5. Learned counsel appearing for the respondents is not in a position to controvert this factual position. In this appeal, we would not like to enlarge the controversy and in view of the fact that the respondents vacated/abandoned the premises in question and the appellants had taken possession of the same, no further directions are really necessary in this appeal. Consequently, the impugned judgment is set aside and the appeal is disposed of in terms of our observations stated in the above mentioned paragraphs. In the facts and circumstances of the case, we direct the parties to bear their own costs.

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