



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3332]**

**TUESDAY, THE THIRTY FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION NO: 2001/2024**

**Between:**

1.SANAKA MURALI, S/O.RAGHAVIAH, AGED ABOUT 52 YEARS,  
R/O.D.NO.3-16-1, V.KOTHAPALEM VILLAGE KODUR MANDAL,  
KRISHNA DISTRICT.

**...PETITIONER**

**AND**

1.UDDANGI RAMANJANEYULU, S/O.NAGESWARA RAO AGED  
ABOUT 38 YEARS, R/O.RAMAKOTIPURAM VILLAGE, H/O.  
MODUMUDI, AVANIGADDA MANDAL, KRISHNA DISTRICT.

2.KAGITHALA BHUJANGA RAO, S/O.RAGHAVAYYA, AGED ABOUT 64  
YEARS, R/O.POTUMERAKA VILLAGE, REPALLE MANDAL,  
BAPATIA DISTRICT.

**...RESPONDENT(S):**

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set-aside the Order, dt.15.03.2024, passed in I.A.No.101 of 2024 in A.T.C.No.2 of 2024 on the file of the Court of the Special Officer of Tenancy Tribunal-Cum-Civil Judge (Junior Division) Court, at Avanigadda, Krishna District and to pass appropriate orders and pass

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to the petitioner to file the present CRP against the Injunction

Order dt.15.03.2024, passed in IA.No.101 of 2024 in A.T.C.No.2 of 2024 on the file of the Court of the Special Officer of Tenancy Tribunal-cum-Civil Judge (Junior Division) Court at Avanigadda, Krishna District, and pass

**IA NO: 2 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay all further proceedings in A.T.C.No.2 of 2024 on the file of the Special Officer of Tenancy Tribunal-cum-Civil Judge (Junior Division) Court, at Avanigadda, Krishna District, pending disposal of the Civil Revision Petition, and pass

**Counsel for the Petitioner:**

1.AKULA VAMSI KRISHNA

**Counsel for the Respondent(S):**

1.SAI GANGADHAR CHAMARTY

2.T RAGHU PRASAD

**The Court made the following order:**

The present Civil Revision Petition is filed, under Article 227 of the Constitution of India, questioning the very numbering of A.T.C.No.2 of 2024 on the file of the Court of the Special Officer of Tenancy Tribunal-cum-Civil Judge (Junior Division) Court at Avanigadda, Krishna District.

2. The facts that led to filing of the present Civil Revision Petition are that:

The petitioner is a third party. Respondent No.1 is the tenant and respondent No.2 is the landlord in A.T.C No.2 of 2024. Respondent No.1-tenant filed the said A.T.C, under Section 16 of the Andhra Pradesh Tenancy Act seeking declaration that he is the cultivating tenant of petition schedule property and for permanent injunction. Along with the said petition, he also filed I.A.No.101 of 2024 seeking temporary injunction restraining the respondent/landlord, his men and followers from interfering with the peaceful possession and enjoyment of the petition schedule property by the petitioner/tenant until disposal of the main A.T.C. The Tribunal ordered notice and directed the tenant to comply with Order XXXIX Rule 3 of the Code of Civil Procedure. At that stage, the petitioner, claiming to have certain rights over the property, filed the present Civil Revision Petition solely on the ground that the Tribunal has no jurisdiction to entertain the A.T.C, as Andhra Pradesh (Andhra Area) Tenancy Act, 1956 was repealed in the year 2022 by the Andhra Pradesh State Legislature vide Andhra Pradesh (Andhra Area) Tenancy Repeal Act, 2022 (Act No.21 of 2022).

3. Heard Sri Akula Vamsi Krishna, learned counsel for the petitioner and Sri Sai Gangadhar Chamarty, learned counsel for respondent No.1-tenant and Sri T.Raghu Prasad, learned counsel for respondent No.2-landlord.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the grounds of revision, contended that the Tribunal lacks jurisdiction to entertain any cases under the Andhra Pradesh Tenancy Act, 1956, in such circumstances, this Court has to vitiate all the proceedings arising out of A.T.C No.2 of 2024 in exercise of its jurisdiction under Article 227 of the Constitution of India. He further contended that the Tribunal erroneously entertained the petition filed by respondent No.1, numbered it as A.T.C.No.2 of 2024 under the A.P Tenancy Act and granted temporary injunction erroneously under the repealed Act. Hence, prayed to allow the Civil Revision Petition and to set aside the A.T.C.No.2 of 2024. In support of his contention, he relied upon the decision of the Apex Court in ***Kanaklata Das and others v. Naba Kumar Das***<sup>1</sup>

5. On the other hand, Sri Sai Gangadhar Chamarty, learned counsel for respondent No.1/tenant and Sri T.Raghu Prasad, learned counsel for respondent No.2/landlord contended on similar lines that the petitioner has no locus to file the present Civil Revision Petition, as he is not a party to the said A.T.C. They further submit that if the petitioner has any grievance, he has to come on record in the said A.T.C by filing an appropriate application and raise his objections therein. As such, the Civil Revision Petition is not maintainable

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<sup>1</sup> (2018) 2 Supreme Court Cases 352

and prayed to dismiss the same. In support of their contentions, they relied upon the decisions in ***Surya Dev Rai v. Ram Chander Rai***<sup>2</sup>, ***Shalini Shyam Shetty and another v. Rajendra Shankar Patil***<sup>3</sup> and ***P.Suresh v. D.Kalaivani and others in Civil Appeal No.739 of 2026***<sup>4</sup>.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. Alleging threat of dispossession, respondent No.1-tenant filed A.T.C No.2 of 2024 on the file of the Special Officer of Tenancy Tribunal-cum-Civil Judge (Junior Division) Court at Avanigadda invoking the A.P Tenancy Act, 1956 seeking declaration that he is a cultivating tenant in respect of the petition schedule property with leasehold rights until 20.12.2028 and for grant of permanent injunction restraining the landlord and his men from interfering with his peaceful possession and enjoyment of the petition schedule property, until he is evicted by due process of law.

8. As could be seen from the petition filed under the Andhra Pradesh Tenancy Act, the lease agreement commenced on 21.12.2023 and is to continue until 20.12.2028. Alleging that the landlord and his men, on several times, warned the tenant to vacate the petition schedule property, A.T.C.No.2 of 2024 came to be filed. In the Interlocutory Application filed by the tenant *vide* I.A.No.101 of 2024, ad-interim injunction was granted.

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<sup>2</sup> (2003) 6 Supreme Court Cases 675

<sup>3</sup> (2010) 8 Supreme Court Cases 329

<sup>4</sup> 2026 INSC 121

9. The petitioner, claiming to have rights over the property, filed the present Civil Revision Petition mainly on the ground that the A.P Tenancy Act has been repealed and once repealed, invoking the said Act and filing the petition does not arise, as such, the proceedings are liable to be set aside.

10. In the case of **Kanaklata Das** (1<sup>st</sup> cited supra) relied on by the petitioner, the Hon'ble Apex Court held as follows:

*“ 15. The reason being that this is not a suit between the appellant-plaintiff-plaintiffs and respondent 1 where their interse rights relating to the suit premises can be gone into but rather is an ejectment suit filed by the appellants against respondents 2 to 5 for their eviction from the suit premises.*

*16. Therefore, the lis in the suit is between the appellants on the one hand and respondents 2 to 5 on the other hand and the decision in the suit would depend upon the question as to whether there exists any relationship of landlord and tenant between the appellants and respondents 2 to 5 in relation to the suit premises and, if so, whether the grounds pleaded in the plaint for claiming eviction of respondents 2 to 5 are established or not. For deciding these two main questions, the presence of respondent 1 is not necessary.”*

A perusal of the said decision shows that it is in no way applicable to the facts of the present case.

11. The contention of the respondents is that the petitioner, instead of approaching the Tribunal below to get himself impleaded and thereafter filing an application under Order VII Rule 11 CPC for rejection of the petition, has

filed the present Civil Revision Petition, which is unsustainable. They further contended that this Court, in exercise of its jurisdiction under Article 227 of the Constitution of India, has no jurisdiction to quash or set aside the A.T.C proceedings.

12. In the case of **P.Suresh** (4<sup>th</sup> cited supra) relied upon by the respondents, the Hon'ble Apex Court held that:

*“For all the aforesaid reasons and discussions, this court is of the view that High court committed a manifest error in exercising its powers under Article 227 of the Constitution to strike down the plaint. It ought to have asked the defendant to take recourse to, in accordance with law, when specific provisions available in the Code of Civil Procedure, 1908 in the nature of Order VII rule 11.”*

13. In case of **Shalini Shyam Shetty** (3<sup>rd</sup> cited supra) relied upon by the respondents, the Hon'ble Apex Court held that:

*“49.....the following principles on the exercise of High Court's jurisdiction under Article 227 of the Constitution may be formulated:*

*(a) A petition under [Article 226](#) of the Constitution is different from a petition under [Article 227](#). The mode of exercise of power by High Court under these two Articles is also different.*

*(b) In any event, a petition under [Article 227](#) cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially different from the history of conferment of the power of Superintendence on the High Courts under [Article 227](#) and have been discussed above.*

*(c) High Courts cannot, on the drop of a hat, in exercise of its power of superintendence under [Article 227](#) of the Constitution, interfere with the orders of tribunals or Courts inferior to it. Nor can it, in exercise of this power, act as a Court of appeal over the orders of Court or tribunal*

subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.

(d) The parameters of interference by High Courts in exercise of its power of superintendence have been repeatedly *laid down* by this Court. In this regard the High Court must be guided by the principles *laid down* by the Constitution Bench of this Court in *Waryam Singh* (supra) and the principles in *Waryam Singh* (supra) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e) According to the ratio in *Waryam Singh* (supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and Courts subordinate to it, 'within the bounds of their authority'.

(f) In order to ensure that law is followed by such tribunals and Courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of tribunals and Courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or Courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

(i) High Court's power of superintendence under *Article 227* cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in the case of *L. Chandra Kumar vs. Union of India & others*, reported in (1997) 3 SCC 261 and therefore abridgement by a Constitutional amendment is also very doubtful.

(j) It may be true that a statutory amendment of a rather cognate provision, like *Section 115* of the Civil Procedure Code by the *Civil Procedure Code (Amendment) Act, 1999* does not and cannot cut down the ambit of High Court's power under *Article 227*. At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under *Article 227*.

(k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised suo motu.



(l) *On a proper appreciation of the wide and unfettered power of the High Court under Article 227, it transpires that the main object of this Article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.*

(m) *The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and Courts subordinate to High Court.*

(n) *This reserve and exceptional power of judicial intervention is not to be exercised just for grant of relief in individual cases but should be directed for promotion of public confidence in the administration of justice in the larger public interest whereas Article 226 is meant for protection of individual grievance. Therefore, the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline pointed out above.*

(o) *An improper and a frequent exercise of this power will be counter-productive and will divest this extraordinary power of its strength and vitality.*

By virtue of the said principles, the jurisdiction under Article 227 of the Constitution should be exercised very sparingly and the High Court can also invoke such jurisdiction *suo moto* where appropriate.

14. In the case of *Surya Dev Rai* (2<sup>nd</sup> cited supra) relied upon by the respondents, the Hon'ble Apex Court held that:

*“26.....Supervisory jurisdiction may be refused to be exercised when an alternative efficacious remedy by way of appeal or revision is available to the person aggrieved. The High Court may have regard to legislative policy formulated on experience and expressed by enactments where the legislature in exercise of its wisdom had deliberately chosen certain orders and proceedings to be kept away from exercise of appellate and revisional jurisdiction in the hope of accelerating the conclusion of the proceedings and avoiding delay*

*and procrastination which is occasioned by subjecting every order at every stage of proceedings to juridical review by way of appeal or revision.”*

Supervisory jurisdiction can be exercised *suo moto* by the High Court if it is of the opinion that a subordinate Court or tribunal is acting without jurisdiction or in excess of its jurisdiction.

15. This Court also should not lose sight of the well settled principle that the power under Article 227 of the Constitution would not be available where there is an alternative remedy. The Supervisory jurisdiction under Article 227 of the Constitution of India to strike off the plaint, even though a specific provision for rejection of the plaint under Order VII Rule 11 CPC was available to the parties to be taken recourse to. The proposition that the availability of alternative remedy shall be legitimately construed to displace the exercise of Constitutional jurisdiction by the High Court, is true not only for the purpose of exercising powers under Article 226 of the Constitution, but also for the purpose of invoking Article 227 of the Constitution. In the grab of exercising supervisory jurisdiction under Article 227 of the Constitution, the High Court is not expected to engulf the specific statutory remedy or provision in law and thus, become a supervisor over the court below or the tribunal, as the case may be. It would be a legally wise exercise of discretion for the High Court to adopt and adhere to such self-imposed discipline and to insist that the aggrieved party should take recourse to such alternative remedy or statutory provision available in law, especially where remedy available in the CPC for

the cases falling under category/other law also, where such specific statutory remedy is available.

16. The contention of the petitioner is that by virtue of Act 21 of 2022, the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 has been repealed and once repealed, invoking the said Act and filing the petition does not arise, as such, the proceedings are liable to be set aside.

17. A perusal of the said Gazette Notification dated 28.11.2022, it clearly shows that the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 is repealed provided that such repeal shall not affect the previous operation of the said Act and subject thereto, anything done or any action taken in the exercise of any power conferred by or under the Act.

18. In order to find out whether the Tenancy Act applies to the facts and circumstances of the case or not, the Court has to look into whether the relationship of landlord and tenant arose before the repeal of the Act or after the repeal of the Andhra Pradesh Tenancy Act, 1956.

19. As could be seen from the petition filed under Section 16 of the Andhra Pradesh Tenancy Act by the tenant before the Tribunal, the lease agreement commenced from 21.12.2023 to 20.12.2028. The petition further indicates that the petitioner/tenant has got leasehold rights over the petition schedule property for the last five years, as leasehold rights to the petition schedule property and incurred much money and took pains at his level best in bringing the petition schedule property to its present condition. This would indicate that

relationship between the landlord and tenant existed much prior to the repeal Act. These aspects, however, cannot be looked into by this Court under Article 227 of the Constitution. Such facts can be placed on record and adjudicated before the Tenancy Court by invoking the relevant provisions of the Code of Civil Procedure. These observations are made only for the purpose of deciding the Civil Revision Petitions only. The trial Court shall deal with the petitions, if any, filed by the petitioners independently, without being influenced by the observations made herein.

20. In view of the foregoing discussion, the Civil Revision Petition is dismissed granting liberty to the petitioner to take appropriate steps in accordance with law before the competent Tribunal. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, shall stand closed.

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**JUSTICE RAVI CHEEMALAPATI**

31.03.2026  
MP

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**THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION No.2001 of 2024**

Dated 31.03.2026

MP