

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7238 OF 2002

Yarlagadda Ankeneedu Prasad & Anr. ...Appellants

VERSUS

Gram Panchayat & Anr. ...Respondents

ORDER

This is an appeal by special leave from a judgment and decree dated 31st of August, 2001 passed by a Division Bench of the High Court of Judicature of Andhra Pradesh at Hyderabad in Appeal No. 234 of 1995, by which the High Court had set aside the judgment of the trial Court and allowed the appeal filed by the respondent in a suit for declaration of fishery rights of the appellants in respect of the suit tank, enjoyment of usufruct therefrom, right of management and effecting repairs to the suit tank and for permanent injunction.

We have heard the learned counsel for the parties and we have examined in detail the impugned judgment of the High Court and also of the trial Court and the pleadings and the evidences of the parties as well. Having heard the learned counsel for the parties and after going through the impugned judgment of the High Court as well as of the trial Court and

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after considering the arguments of the learned counsel for the parties, we are of the view that no interference can be called for in the aforesaid judgment as we find that the High Court had rightly relied on the notification being Exhibit No. X4 issued by the State of Andhra Pradesh under the AP Gram Panchayat Act and held that the suit tank had vested with the Gram Panchayat and that being the position, no relief could be granted to the plaintiff/appellant in the present case.

Accordingly, there is no merit in this appeal and is thus dismissed with no order as to costs.

Interim order, if any, shall stand vacated.

Chatterjee]

.....J.
[Tarun

.....J.
[G.S.Singhvi]

New Delhi;
August 26, 2009.

.....J.
[R.M.Lodha]
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ITEM NO.103 COURT NO.4 SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7238 OF 2002

YARLAGADDA ANKENEEDU PRASAD & ANR. Appellant (s)
VERSUS
GRAM PANCHAYAT & ANR. Respondent(s)

(With appln(s) for permission to amend the plaint and
with prayer for interim relief and office report)

Date: 26/08/2009 This Appeal was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. A. Subba Rao,Adv.

For Respondent(s) Mr. G. Ramakrishna Prasad,Adv.
Mr. B. Suyodhan, Adv.
Mr. Amarpal, Adv.

Mr. I. Venkatnarayana, Sr. Adv.
Mr. Manoj Saxena, Adv.
Mr. Rajneesh Kr. Singh, Adv.
Mr. T.V. George, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed with no order
as to costs, in terms of signed order placed
on the file. Interim order, if any, shall
stand vacated.

(A.D. Sharma) (Phoolan Wati Arora)
Court Master Court Master
(Signed Order is placed on the file)