

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.33459 of 2014

Date: 21-07-2015

Between:

Konda Kishan

.... Petitioner

AND

The Government of Telangana, represented by
Its Principal Secretary, Revenue Registrations-I
Department, Hyderabad and 6 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.33459 of 2014

ORDER:

This writ petition is filed for a *Mandamus* seeking a direction to the 5th respondent-District Registrar, Karimnagar to declare the proceedings initiated by the 6th respondent-Deputy Inspector General, Registrations and Stamps vide refusal intimation proceedings No.136/2014, dated 28-08-2014 and proceedings No.4/2014, dated 28-08-2014 as illegal and arbitrary and to set aside the said proceedings.

2. The case of the petitioner is that he along with three others have purchased the property to an extent of 668 square yards bearing No.7-6-222/1 (corresponding old H.No.6-5-6/2/2 and 6-5-6/2/3) of Jagtial Municipality in Survey No.465 from the 7th respondent, who inherited the same from his father, who originally acquired the said property vide Document No.61/1951, dated 2-5-

1951 under partition from the joint family members towards his share and ever since then the 7th respondent's father was holding valid title and possession of the schedule property. The 7th respondent, who inherited the property from his father, due to family necessities for money, sold the same to the petitioner and three others for a valid consideration of Rs.26,72,000/- vide Sale Deed Document No.P11/2013, dated 12-03-2013 and the petitioner and three others were put in possession by the 7th respondent into the schedule property as the entire sale consideration is received by the 7th respondent and the sale deed is executed between them. In spite of payment of required stamp duty and on completion of the prescribed procedure, the sale deed bearing Document No.P11/2013, dated 12-03-2013 is not released by the 6th respondent. Aggrieved by the said action, the present writ petition is filed.

3. The 6th respondent filed his counter contending that the petitioner presented the document No.P11/2013 stating that the father of his vendor acquired property vide document No.61/1951, dated 02-05-1952 and is holding a valid title and possession over the property, but the said document is a permanent lease registered in favour of eight persons. That this court granted status quo in SAMP.No.593 of 2013 in S.A.No.238 of 2013 on 01-03-2013, which was brought to the notice of the 6th respondent and the Municipal Commissioner also informed that the ownership of the vendor of the petitioner was cancelled and restored the name of J. Sujatha Devi and this court also in CRPMP.No.1870 of 2013 in C.R.P.No.7472 of 2013 on 22-03-2013 directed both the parties not to create any third party interest over the property, which was also brought to the notice of the 6th respondent and that J. Sujatha

Devi filed W.P.No.12095 of 2013 for direction to refuse the document in question. That the petitioner also filed W.P.No.19973 of 2014 wherein this court disposed of the writ petition directing to dispose of the document within two weeks and accordingly, the 6th respondent refused the document on 28-08-2014 and intimated the fact to the concerned. It is also stated that the petitioner has alternative remedy of appeal under Section 72 of the Registration Act before the District Registrar, Karimnagar against the impugned refusal order and without availing such remedy, the present writ petition has been filed.

Heard the learned counsel for both parties.

In this case, admittedly, the petitioner has alternative remedy of appeal under Section 72 of the Indian Registration Act against the impugned proceedings before the District Registrar, Karimnagar and normally this court will not entertain the writ petitions when there is effective alternative remedy. It is not the case of the petitioner that the impugned order is without jurisdiction and is in violation of principles of natural justice. The reasons for refusal of registration of the document is that the vendor of the petitioner has no right to sell the property as he acquired the property through a perpetual lease and a lessee cannot be said to be owner of the property. The impugned proceedings specifically speak about availability of alternative remedy of appeal before the District Registrar, Karimnagar against the refusal order. Whether the vendor of the petitioner has a right to sell the property is a question of fact, which can be decided by the appellate authority.

In view of above facts and circumstances, this court is not inclined to entertain this writ petition in view of availability of alternative remedy of appeal against the refusal order and on that

sole ground, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 21-07-2015

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