

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 34532 of 2015

BETWEEN

K.Sridhar

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 26.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Petitioner claims to be the owner of the lands to an extent of Ac.1-00 in survey No.132/RU and Ac.0-90 cents in survey No.131/RU of Pedavadlapudi Grampanchayat, Mangalagiri Mandal, Guntur District. It is alleged that the petitioner transferred the aforesaid property in favour of the fourth respondent for developing the joint business of the petitioner and the

fourth respondent and the said sale deed is stated to be only nominal. Thereafter, when the fourth respondent proclaimed title and was attempting to deal with the property, petitioner is stated to have filed O.S.No.229 of 2014 before the Senior Civil Judge, Mangalagiri for cancellation of sale deed and also for permanent injunction restraining the defendants from alienating the plaint schedule property. Petitioner states that while the said suit is pending, the fourth respondent is attempting to alienate the property to third parties and for that purpose, petitioner is stated to have approached the third respondent requesting him to entertain his objections to the proposed sale transaction. However, further alleging that the third respondent is not entertaining any such objections, the present writ petition is filed.

3. Heard learned counsel for the petitioner and learned assistant government pleader for Revenue.

4. I am not able to see any legal ground to entertain the writ petition. Obviously, petitioner is claiming title to the land and for that purpose he has filed the suit, as aforesaid for cancellation of sale deed. Unless a decree is passed in that suit in favour of the petitioner, title cannot be claimed by the petitioner. As on today, however, the title vests in favour of the fourth respondent subject to the said suit. Moreover, the relief of permanent injunction sought for by the petitioner is also *sub judice* before the civil court wherein also he seeks to restrain the fourth respondent from alienating the plaint schedule property to others. Thus, the civil court having been entirely seized of the matter, it is not open for the third respondent to entertain the third party claims and, as such, the objection sought to be filed by the petitioner opposing the entertainment of any document for registration by the fourth respondent is clearly sustainable and hence, the writ petitioner has failed to make out any ground.

Writ petition is accordingly dismissed. However, petitioner is at liberty to prosecute the civil suit, as aforesaid, and seek appropriate orders. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

October 26, 2015
LMV

VILAS V. AFZULPURKAR, J