

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.39148 OF 2015

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner is aggrieved by the proceedings of the 3rd respondent impugned herein dated 05.08.2015, wherein the 3rd declined to entertain the registration requested by the petitioner with regard to Ac.10.20 guntas of agricultural land in Survey No.290A of Bilalpur Village, Koheer Mandal, Zaheerabad.

Earlier, the registration was kept on hold on account of attachment order, dated 19.07.2013 received by the Sub-Registrar in E.P.No.41 of 2011 issued by the Senior Civil Judge, Zaheerabad,. The petitioner states that subsequently execution sale was conducted and the said sale was set aside on 24.10.2014 by the Court of Senior Civil Judge, Sanga Reddy on the ground of irregularities. The E.P. is stated to have been transferred by the learned Principal District Judge, Medak in proceedings No.4439/2013, dated 22.07.2013 to the Court of Senior Civil Judge, Sangareddy and renumbered as E.P.No.38 of 2013. In the said E.P. the petitioner states that more than entire amount was already deposited and based on that, by order of the Senior Civil Judge, Sangareddy dated 19.02.2015, the execution petition was closed and the entire record and deposited amount was made over to the Senior Civil Judge, Zaheerabad, which was original executing Court. In view of the closer of EP, the attachment order seized to remain in force. Hence, the petitioner sought registration of the document referred to above, which is now declined by the 4th respondent on the ground that the petitioner must obtain separate orders withdrawing the attachment order. Aggrieved thereby, the present writ petition is filed.

It is evident from para 6 of the order of the learned Senior Civil Judge, Sangareddy, dated 19.02.2015 that E.P.No.38 of 2013 was closed without costs since the entire amount was already deposited. Consequently, the attachment seized to operate and since the aforesaid order of the Senior Civil Judge is stated to

have been placed before the 4th respondent for verification still the impugned order is passed in the above ground.

Apparently, the effect of termination of E.P appears to have not been understood by the 3rd respondent. Hence, the impugned order is set aside and the issue shall stand remitted to the 3rd respondent for fresh consideration, who is at liberty to examine the said order of the Senior Civil Judge, dated 19.02.2015 and take appropriate steps in accordance with law.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

02.12.2015

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DATE: 02.12.2015

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