

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.6324 of 2014

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Between:

1. Pilaka Pydithalli, and others.

PETITIONERS

AND

1. The State of Andhra Pradesh, rep. by its Commissioner, Stamps
and Registration, Hyderabad, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and Sri E.V.V.S. Ravi Kumar, learned counsel for respondent Nos.3 and 4.

The petitioners pray for Mandamus declaring the action of the 2nd respondent in admitting and registering the property claimed by petitioners in Sy.No.38/12A, admeasuring Ac.2.90 cents of Mulagada Village, Gajuwaka Mandal, Visakhapatnam District, presented by 4th respondent pursuant to registered document No.58/2014 and 59/2014, as illegal and violative of Principles of Natural Justice. The petitioners pray for a further direction for cancellation of Document Nos. 58 & 59/2014.

The case of petitioners is that they are the successors in interest of Pilaka Peda Apparao (an Ex-serviceman). It is stated that the grant is in favour of the said Pilaka Peda Apparao. On 30.12.2013 the petitioners filed objection petition before the 2nd respondent. Through the instant objection petition, the petitioners brought to the notice of the 2nd respondent that they are the owners of the land covered by Sy.No.38/12 and 38/12A and a civil suit is pending in O.S.No.298 of 2007. The 4th respondent herein has no authority to deal with the property. Therefore, through the objection petition, the petitioners requested the 2nd respondent not to register the document presented by the 4th respondent concerning the subject land. It is a matter of record that on 31.12.2013 Sale Deed Nos.58 and 59/2014 have been registered. The objection of petitioners is that the 4th respondent does not have right to deal with the property of petitioners and the objection should be considered. The learned counsel for the petitioner places strong reliance upon Rule 58 of

the Registration Rules.

Mr. E.V.V.S. Ravi Kumar, learned counsel appearing for respondents 3 and 4 contends that the prayer under Article 226 of Constitution of India is not available. The remedy, if any, to the petitioners is before the competent Civil Court, and further Rule 58 of Registration Rules is not attracted.

It would have been certainly a case for consideration, if by a combined reading of representation dated 30.12.2013, the document dated 31.12.2013 and Rule 58, a case is made out that any one or the circumstances referred to in Rule 58 is attracted to the case on hand. There appears to be a dispute between the petitioners on one hand and respondent Nos.3 and 4 on the other. This Court in exercise of its jurisdiction under Article 226 of the constitution of India cannot go into these aspects of the matter.

On the short ground the prayer cannot be conveniently considered under Article 226 of the Constitution of India. The writ petition is dismissed. The petitioners are free to pursue the remedies available to them under law against any of the acts of commission or omission by any of the respondents in a properly instituted suit or pending proceedings. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

S.V. BHATT, J.

3rd March, 2015
Js.