

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27804 of 2015

ORDER:

Heard.

The petitioner seeks a direction to the 4th respondent not to register any document in respect of the land admeasuring 7,960 sq. yards in T.S.No.60 of Bheemunipatnam Municipality, Visakhapatnam District, on the ground that it is covered by a decree in his favour in O.S.No.23 of 2009 on the file of the VI Additional District Judge, Visakhapatnam. The said decree for specific performance is said to be with regard to 'A' and 'B' schedule properties and to the extent of 'A' schedule property, the petitioner states that the sale deed has already been executed in his favour and to the extent of 'B' schedule property, the execution of decree is awaited and it is pending with the said Court. Meanwhile, alleging that the respondents 5 and 6 are alienating 'B' schedule property, the petitioner has filed a representation before the 4th respondent on 05-08-2015 objecting to registration of any document in relation to the said property, as it would be defeat the very purpose of decreeing the suit. The petitioner himself states that the 4th respondent has kept the document presented by respondents 5 and 6 as P.D.No.507/15.

Since the sale deed is not registered and it is kept pending, I do not see how the petitioner is aggrieved by the action of the 4th respondent. As the document is kept pending, the 4th respondent will have to follow the due procedure and then take appropriate decision whether the document can be registered or not. At this stage, therefore, the direction as sought for by the petitioner cannot be granted. However, the 4th respondent shall consider the petitioner's representation, referred to above, also while passing appropriate orders relating to P.D.No.507/15.

Accordingly, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 31-08-2015

Prv

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