

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL No.418 of 2015

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

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This Writ Appeal, under Clause 15 of Letters Patent Act, is filed by the appellants/petitioners in W.P.No.6324 of 2014, aggrieved by the order dated 03.03.2015 passed by the learned single Judge in the said writ petition.

2. In the aforesaid writ petition, the petitioners have sought for a direction to declare the action of the respondents in admitting and registering the property of the petitioners in Sy.Nos.38/12 and 38/12A, totally admeasuring Acs.2.90 cents at Mulagada Village, Gajuwaka Mandal, Visakhapatnam District, in favour of the 4th respondent vide registered sale deeds bearing Document Nos.58/2014 and 59/2014, as arbitrary and illegal and opposed to the principles of natural justice and consequently sought a direction to respondent Nos.1 and 2 for cancellation of the said documents.

3. The 3rd respondent along with some others has filed suit O.S.No.298 of 2007 on the file of the I Additional District Judge, Visakhapatnam, for specific performance of the contract and to execute the registered sale deeds. The case of the petitioners in the writ petition is that though the 3rd respondent is claiming rights through the petitioners, he has executed the sale deeds in favour of the 4th respondent. The grievance of the petitioners is that inspite of filing objections before the 2nd respondent, the documents executed

by the 3rd respondent in favour of the 4th respondent are registered illegally.

4. Heard Sri G. Vasantha Rayudu, learned counsel for the appellants/petitioners as well as Sri E.V.V.S. Ravi Kumar, learned counsel for respondent Nos.3 and 4 and perused the impugned order passed by the learned single Judge.

5. Mainly, it is the case of the petitioners that registration of the aforesaid documents are in violation of Rule 58 of the Registration Rules. It is clear from the order passed by the learned single Judge and the allegations made by the appellants/petitioners that it is a case of title dispute over the subject land, which was registered vide documents Nos.58 and 59 of 2014. It is open to the appellants/petitioners to approach the Civil Court for redressal of their grievance, but they cannot seek for cancellation of the documents on the ground that they were executed illegally. Therefore, we are in agreement with the order passed by the learned single Judge and the subject transactions are beyond the scope of Rule 58 of the Registration Rules, so as to interdict with the transactions of registering authority on the allegations made by the appellants/petitioners.

6. For the aforesaid reasons, we do not find any merit in this writ appeal.

7. Accordingly, this writ appeal is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

15.06.2015.

Msr

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