

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

Writ Petition No.22816 of 2015

Between:

Syed Zakir Hussain

... Petitioner

and

The State of Telangana
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and three others.

... Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 23rd July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.22816 OF 2015

ORDER:

Petitioner's vendor claims to have purchased two open plots

bearing Nos.80 and 81 admeasuring 300 Sq.yards each in survey No.124(g) situated at Gopanpally Village, Serilingampally Mandal, R.R. District under registered sale deed No.7512 of 1992 dt.07.07.1992.

Petitioner states that he purchased the said plots from his vendor on 16.05.2011 and presented the document for registration but the same was kept pending on the ground that petitioner must obtain NOC from the Government and the same was intimated to the petitioner by letter dt.14.12.2011. The petitioner, therefore, made application to the Collector for NOC and since no orders were passed, he approached the Hon'ble Lok Ayukta. In the report filed by the Collector before the Hon'ble Lok Ayukta it was stated that land in question is not a government land but they have already issued NOC in favour of SIRIS Limited, who are holding registered documents bearing No.3483 of 1993. In view of that the Hon'ble Lok Ayukta disposed of the petitioner's complaint by order dt.02.06.2014 and it reads as follows:

"The complainant is present. From the report, it came out that the plots bearing Nos.80 and 81 out of Sy.No.124 RU(G) of Gopanpally Village of Serilingampally Mandal of R.R.District are being claimed by both the complainant and SIRIS Limited. It is the contention of the complainant that he had purchased the aforesaid land first and only later the land of Ac.5.00 gts. In Sy.NO.124 Ru (G) of Gopanpally was sold to SIRIS and he being the first purchaser his right prevails over SIRIS Limited. But these are the matters to be agitated before the Civil Court and not before this Institution. Hence, closed."

The petitioner is obviously not approached the Civil Court as he claims title over and above the title of the said SIRIS Limited but he again approached this Court by the present writ petition to register the said plots in his name. He also accepts that his vendor is no more, having died in the year 2013.

In the light of the directions of the Hon'ble Lok Ayukta, in my view, it is not open to the petitioner to once again approach this Court, as unless the title dispute is sorted out between him and 4th respondent-SIRIS Limited, no further direction can be issued.

For the aforesaid reasons, this Writ Petition is dismissed giving liberty to the petitioner to approach the Civil Court in terms of the order of the Hon'bel Lok Ayukta extracted above. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

23rd July, 2015.
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