

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18560 of 2015

BETWEEN

Khaja Aliuddin

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Revenue), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner claims that he holds an agreement of sale with respect to land admeasuring Ac.0-15 guntas in survey No.178 situated at Doma Mandal, Ranga Reddy District. Since the defendant therein was not coming forward to execute the registered sale deed, petitioner has already filed a suit for specific performance viz., O.S.No.98 of 2014 before Junior Civil Judge, Ranga Reddy District, and the same is pending. Petitioner alleges that notwithstanding the agreement of sale and pendency of suit, the said defendant entered into and executed the sale deed on 28.10.2014 in favour of

another purchaser

viz., document No.2184 of 2014. Hence, on coming to know of the same, petitioner filed a suit for declaration that the said sale deed is void and for consequential injunction. The said latter suit is numbered as O.S.No.2 of 1995 and is also pending before Junior Civil Judge, Perga, Ranga Reddy for hearing. While both the said suits are pending, petitioner filed a representation, dated 03.03.2015, before the Collector, the Revenue Divisional Officer, and the Mandal Revenue Officer respectively, seeking for cancellation of pattadar passbooks and title deeds issued in favour of the said subsequent purchaser. Alleging that no action is taken by the respondents on the said representation, the present writ petition is filed.

3. Evidently, petitioner has filed two suits and they are stated to be coming up together for hearing and the civil court is entirely seized of the dispute. Thus, during pendency of the said suit, the respondent authorities cannot adjudicate on the self same issue and, in fact, has to await the decision of the civil court and implement such decision in the revenue records. Hence, during the pendency of the said civil suits, direction cannot be issued to the official respondents to take up and decide the petitioner's representation. It is, however, made clear that in terms of Section 8, therefore, the revenue authorities have to abide by civil court's decree in any case. Hence, it is open for the petitioner to proceed with the said civil suits and as and when they are decided, approach the revenue authorities for consequential amendment of the record of rights.

Writ petition is, accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 29, 2015

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