

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.516 OF 2006
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ORDER:

The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the proceedings of the respondent in impounding the alleged sale deed, dated 04.06.1982 vide proceedings in D.Dis.No.2574/2004, dated 16.08.2004, as arbitrary, illegal and against the provisions of Sections 31 and 32 of the Indian Stamp Act, 1899 and consequently, to set aside the same.

2. The averments in the affidavit filed in support of the writ petition would show that Dr.Sadaram Sanjeeva Rao and Smt Surisetty Aruna Devi claim themselves to be the absolute owners of the property admeasuring Ac.8.46 ½ cents of land in Sy.No.5 of Gollapalem village of Sabbavaram Sub Registration District, having purchased the same under a registered sale deed vide document No.2897/1982 of DRO, Visakhapatnam. Subsequently, the said property was divided equally, pursuant to which, Dr.Sadaram Sanjeeva Rao got an extent of Ac.4.23 ¼ cents of eastern portion towards his share and Smt Surisetty Aruna Devi got the remaining extent of Acs.4.23 ¼ of the western portion towards her share. The petitioner is said to have purchased the land from Smt Surisetty Aruna Devi under two registered sale deeds vide document Nos.1869 and 1870 of 2004, dated 26.03.2004, and since then, he claims to be in possession of the property. When the petitioner came to know that Smt Moova Lakshmi and Palacharla Vijayalakshmi, the adjacent owners, have applied for sanction of lay out to an extent of Acs.12.70 cents in

Sy.No.5 of Gollapalem village, which includes the land owned by him, he submitted a representation, dated 01.03.2005, to the Urban Development Authority requesting them not to grant the lay out as sought by them. When the said authorities failed to respond to his representation, he filed W.P.No.5266 of 2005, which was disposed of with a direction to the Urban Development Authority to consider the objections raised by the petitioner in the representation, dated 01.03.2005, before passing any order on the application of the above said persons for grant of lay out. When the neighbouring land owners tried to encroach on to the land of the petitioner, he filed O.S.No.99 of 2005 before the Court of Senior Civil Judge, Anakapalli and obtained *status quo*. He also came to know that Smt.Moova Lakshmi filed O.S.No.106 of 2005 before the Court of Principal Junior Civil Judge, Anakapalli against him and also obtained an *ex parte* decree. On enquiry, the petitioner came to know that the said Moova Lakshmi has produced a so-called unregistered sale deed, dated 04.06.1982, said to have been executed by Sanjeeva Rao and Aruna Devi, alleging that the said property was purchased by her vendor under the said unregistered sale deed. The petitioner also claims that Moova Lakshmi, by producing the said sale deed, obtained endorsement of the respondent vide D.Dis.No.2574/2004, dated 16.08.2004. Challenging the said proceedings and the impugned sale deed, dated 04.06.1982, the present writ petition is filed.

3. At the time when the matter is taken up for hearing learned counsel for the petitioner submits that she has no instructions with regard to present status of the issue involved in the present writ petition as she was unable to contact her client.

4. Heard the learned Government Pleader for Revenue.

5. The main ground raised by the learned counsel for the petitioner is that the authority has not followed the procedure contemplated under Sections 31 and 32 of the Indian Stamp Act while passing the impugned order basing on the so-called unregistered sale deed, which is alleged to have been executed by Sanjeeva Rao and Aruna Devi. But, in the absence of any material placed before the court in support of her contention, the said argument cannot be accepted. A perusal of the record, further shows there is no interim order. There are no merits in the writ petition.

6. Accordingly, the Writ Petition is dismissed. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:14.12.2015
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