

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.20039 OF 2015

DATED:6-7-2015

Between:

Pioneer Phospate (Pvt.) Ltd.,
27-16-220, Besent Road, Governerpet,
Vijayawada – 520 002, Krishna District
Rep. by its Managing Director
Mr. R. Prudhvi Raju
R/o. Pedakakani Village and Mandal
Guntur District

... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Home Department, Secretariat
Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. M. Prudhvi Raju

COUNSEL FOR RESPONDENT NO.1: -

COUNSEL FOR RESPONDENT NOs.2 to 5: G.P. for Revenue (AP)

COUNSEL FOR RESPONDENT NOs.6 to 9: -

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for a mandamus declaring the action of respondent No.4 in registering the sale deed in respect of Ac.3.66 cents in Sy. No.113, situated at Venigandla Village, Pedakakani Mandal, Guntur District, based on the false documents produced by respondent Nos.6 and 7, as illegal and arbitrary. The petitioner sought for a consequential direction to respondent No.4 to conduct a fresh inquiry and declare the registration of the document as illegal and arbitrary.

I have heard Mr. M. Prudhvi Raju, learned counsel for the petitioner, and perused the record.

It is the pleaded case of the petitioner that respondent Nos.6 and 7, who ceased to be the Directors of petitioner company long prior to the registration of the document, have wrongly represented themselves as Directors of the petitioner company and got the sale deed registered.

In my opinion, the dispute raised by the petitioner is not amenable to the writ jurisdiction. As issues fact which are required to be adjudicated based on evidence are involved, appropriate remedy for the petitioner is to file a civil suit. In addition to the same, if the petitioner wants to take criminal action against respondent Nos.6 and 7, it can give a report to Police for their prosecution under Section 82 of the Registration Act. If the Police do not take any action, the petitioner is entitled to file a private complaint before the jurisdictional Magistrate.

Subject to the liberty given to the petitioner as above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.25851 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

6-7-2015

bmr

