

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8492 OF 2015

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ORDER:

Challenging the inaction of the 4th respondent in recording the name of the petitioner in the revenue records as Pattadar, this writ petition is filed.

It is the case of the petitioner that one Mr. Shaik Mohd Ghouse, S/o. Shaik Mohd Ismail owed a sum of Rs.11 lakhs to the petitioner and the petitioner filed a suit in O.S.No.477 of 2014 on the file of the XXV Additional Chief Judge Court, City Civil Court, Hyderabad, for recovery of the same with interest. Finally, pursuant to the terms of the compromise entered into between the parties, the said suit was decreed on 28.07.2014. As per the said decree, the petitioner has become the owner of the land over an extent of Ac.2.20 gts in Sy.No.1/2 of Uppal Khalsa Village, Uppal Mandal. Subsequently, the petitioner submitted a representation on 22.08.2014 to the 2nd respondent-District Collector for mutation of records and for issuing of title deed and pattadar pass book in his favour. But the 2nd respondent did not choose to take any action on the representation of the petitioner so far. Hence, the present writ petition.

Heard Sri N.V. Anantha Krishna, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

The learned counsel for the petitioner submits that even though the petitioner submitted a representation on 22.08.2014, the respondents did not choose to take any action so far and hence he prays to allow the writ petition.

A careful perusal of the judgment and decree dated 28.07.2014, passed by the XXV Additional Chief Judge Court, City Civil Court, Hyderabad, in O.S.No.477 of 2014, it is clear that a compromise having been entered into between the parties and the suit is decreed in terms of the compromise. In the terms of the compromise, it has been stated that the price of the property has been arrived at Rs.80.00 lakhs and certain amounts are adjusted and the balance amount said to have been paid to the defendants in the suit. The compromise by itself does not state any thing with regard to the transfer of rights. In other words, as on today, in the absence of a registered

sale deed executed in favour of the petitioner by the defendants in the suit O.S.No.477 of 2014, the petitioner cannot be said to have acquired any right over the property. In that view of the matter, it is left open for the petitioner to make necessary application before the respondents-authorities after obtaining a valid registered sale deed executed in his favour from the owner and pattadar of the land over an extent of Ac.2.20 gts in Sy.No.1/2 of Uppal Khalsa Village, Uppal Mandal.

It is well settled that even a decree and judgment in Specific Performance suit by itself does not confer any right over the property and it only confers a right to get valid sale deed executed through the Court. Refer judgments reported in **Hakim Enayat Ullah v. Khalil Ullah Khan and another, Govinda Chandra Ghose v. Provabati Ghose.**

With the above observations, the writ petition is disposed of. It is needless to mention that as and when such application is submitted by the petitioner, the same shall be considered by the respondents in terms of Sections 4(1), 5 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and read with Rule 9 of the Rules framed thereunder.

Miscellaneous Petitions, if any pending in this writ petition shall stand closed.
No order as to costs.

CHALLA KODANDA RAM,J

Date:30.03.2015.
Gk.

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