

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY , THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO:17895 of 2015

AND

WPMP NO. 29122 OF 2015

Between:

Mrs. Sobhana Lakshmi Ganti, W/o. G.V.S. Somayajulu

..... Petitioner(s)

AND

1. The State of A.P., rep by its Principal Secretary, Revenue Department (Stamps and Registration), Secretariat, Hyderabad.
2. The District Collector, Visakhapatnam.
3. The District Registrar, Visakhapatnam.
4. The Joint Sub Registrar - 38, Visakhapatnam.

.....Respondent(s)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ by declaring the action of the Respondent No.4 in rejecting to register the Gift Deed dated 25-03-2015 in pending document no.P141/2015 presented for registration as illegal and arbitrary, consequently direct the 4th Respondent to receive, register and release the Gift Deed dated 25-03-2015 proposed to be presented by the Petitioner.

WPMP NO. 29122 OF 2015:

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to direct the 4th respondent to receive, register and release the sale deed dated 25-03-2015 to be presented by the Petitioner, pending disposal of the WP No. 17895 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof made herein and upon hearing the arguments of SMT PULIPATI RADHIKA Advocate for the Petitioners and G.P for Stamps and Registration for the Respondents and the Court made the following.

ORDER

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Refusal endorsement is issued by the Sub-Registrar refusing to register the gift deed presented by the petitioner on 25.03.2015, which is given P.No.141 of 2015.

Though the said order is appealable, the present writ petition is filed

contending that the issue relating to T.S.No.1197 of Waltair Ward, Dibbapalem village of Visakhapatnam Municipality along with T.S.No.971/1 and T.S.No.971/2 were subject matter of W.P.Nos.21487 and 21493 of 2000. Both the said writ petitions were allowed setting aside the impugned proceedings therein on 11.09.2009, where the title of the petitioners therein was found confirmed by the civil court.

Learned counsel also points out that the SLP against the said judgment was dismissed by the Hon'ble Supreme Court and the curative petition filed thereof was also not numbered as it was found defective and was accordingly lodged as per orders of the Registrar, Supreme Court of India dated 13.09.2013. Copy of the said orders are produced to contend that it is no more open for the respondents to claim the said property as the Government property. Consequently, the refusal endorsement is not sustainable.

Though the writ petition was adjourned on three occasions, no instructions are received by the learned government pleader.

Hence, rule nisi. Call for records.

Notice returnable in four weeks.

There shall be interim direction as prayed for. However, any registration made shall be subject to the result of the writ petition.

SD/- R.VENKATA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Revenue Department (Stamps and Registration), State of A.P., Secretariat, Hyderabad.
- 2 The District Collector, Visakhapatnam.
- 3 The District Registrar, Visakhapatnam.
- 4 The Joint Sub Registrar - 38, Visakhapatnam.

SI No. 1 to 4 by RPAD

- 5 One CC to SMT P. RADHIKA, Advocate (OPUC)
- 6 Two CC's to G.P for Stamps and Registration, High Court at Hyderabad (OUT)
- 7 Two spare Copies.

Avs

HIGH COURT

VVAJ

DATED: 28-07-2015

ORDER

WP NO. 17895 OF 2015
AND
WPMP NO. 29122 OF 2015

INTERIM DIRECTION

Avs
Dated: 29.07.2015

HIGH COURT

VVAJ

DATED: 28-07-2015

ORDER

WP NO. 17895 OF 2015
AND
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INTERIM DIRECTION