

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-
WRIT PETITION No.39949 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ order or direction particularly one in nature of MANDAMUS declaring Memo NO G1/853/2012 dated 24-11-2012 of the 5th respondent herein in respect of Survey No 96315A, Palamaner Mandal Chittoor is illegal , arbitrary violative of Article 14, 21 and 300-A of constitution of India set side the same direct respondent no 4 and 5 to register the documents (Simple Mortgage Deed) of the petitioner NO.1 and 2 in respect of their property in plot no 115,116 sq yard Survey No 963/5A, total extent 355 Sq yard Palamaner Mandal Chittoor, register the documents of 2nd petitioner residential plot bearing no 84 Door No 33-128/5 in Survey No 963/5A, extent 111 sq yard, respect of 3rd petitioner residential plot bearing no 149 in Survey No 963/5A, extent 111 sq yard without insisting upon No Objection Certificate from the 6th respondent and pass orders and orders, proper in the circumstances of the case.”

2. Both the learned counsel for the petitioners and the learned Standing Counsel for the 6th respondent - Wakf Board represented that the subject matter of this writ petition is covered by a decision rendered by this Court in W.P.Nos.12412 and 12875 of 2013.

3. Learned counsel for the petitioners submits that same proceedings which are assailed in this writ petition were challenged in the said writ petition and this Court held that all the proceedings are not valid in law.

4. For the reasons alike and recording the submissions of both the learned counsels, this Writ Petition is disposed of. The registration authorities are directed to entertain and process the documents

presented by the 1st and 2nd petitioners, in respect of their property, bearing plot nos.84, 115 and 116, in Survey No.963/5A and 3rd petitioner bearing plot no.149, in Survey No.963/5A, situated at Palamaner Mandal, Chittoor District, without insisting for No Objection from the Andhra Pradesh State Wakf Board to the effect that the said land is Wakf property. In the event the documents are found to fulfill the requirements of Registration Act, 1908 and the Indian Stamp Act, 1899, the registration authorities shall complete the registration formalities and release the documents in accordance with the due procedure. There shall be no order as to costs. Miscellaneous petitions pending in this writ petition, if any, shall stand closed

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

06.01.2016
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