

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.3196 OF 2009

ORDER:

The petitioners pray for Mandamus declaring the inaction of respondents in executing sale deed in favour of petitioners for an extent of 71 sq. yards of land in Sy.No.41 at Madhira Village and Town, Khammam District, in spite of petitioners paying the amount of Rs.2 lakhs on 21.09.2007, representing market value then prevailing, as illegal, arbitrary and unconstitutional. The petitioners pray for a consequential direction for execution of the registered sale deed by respondents.

From a mere reading of the prayer, it appears to this Court that the relief is in the nature of specific performance of the alleged obligation of executing a registered sale deed by the respondents.

Without going into the merits of the case and in view of the writ prayer, I am not inclined to consider the prayer, for as on date there is no concluded sale transaction between the petitioners and the respondents. Further, the terms and conditions of proposed sale transaction are not finalized and at least there is no "in principle acceptance of petitioners' request to sell the property in an extent of 71 sq. yards in Sy.No.41". The petitioners admit that there is encroachment of 71 square yards for the past several decades and they are interested in getting the occupation regularized by paying the market value and obtaining a sale deed from the respondents. Learned counsel for the petitioners alternatively submits that if this Court is not inclined to consider the substantive prayer, the respondents may be directed to consider and pass appropriate orders on the representation dated 14.11.2008 within specified time. Learned counsel for the respondents submits that the respondents would consider and pass appropriate orders on the pending representation within two months from the date of receipt of a

copy of this order.

I am satisfied, having regard to the stage at which the jurisdiction of this Court is invoked by the petitioners, the writ petition can be disposed of by the following order:

- (a) the 2nd respondent is directed to consider and pass appropriate orders on the representation dated 14.11.2008 of the petitioners within 12 weeks from the date of receipt of a copy of this order; and
- (b) the petitioners are given liberty to communicate to 2nd respondent a copy of this order together with the said representation for expeditious consideration and disposal by the respondents.

It is made clear that this Court has not considered the merits of the case and it is for the competent authority to take decision in accordance with law.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

23rd February 2016
Lrkm