

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.8026 OF 2016

ORDER :

Petitioner is aggrieved by the proceedings A/ROR/01/2014 dt.-09-2015 of the 4th respondent in refusing to include the name of the petitioner in the Record of Rights.

2. Petitioner had applied on 11.02.2015 for mutation of her name in the Record of Rights.

3. One R.Vishnuvardhan Reddy had objected to the same on the ground that O.S.No.12 of 2014 filed by him before the III Additional District & Sessions Judge, Gadwal is pending against the petitioner and her father.

4. Counsel for the petitioner contends that the said suit was filed by the said R.Vishnuvardhan Reddy for Specific Performance of an Agreement of Sale executed allegedly by the father of the petitioner in his favour for an extent of Acs.10-00 guntas of which Acs.4-00 guntas was sold by the petitioner's father in her favour; that the suit filed in 2014 continues to be pending and there is no decree/order in favour of the said R.Vishnuvardhan Reddy; that the said suit is not a title suit and the title of the petitioner as of date is admitted by the said R.Vishnuvardhan Reddy; and unless the suit filed by the R.Vishnuvardhan Reddy is decreed, he has no right to contend that the petitioner's name should not be recorded in the Record of Rights.

5. The Government Pleader for Revenue appearing for the respondents also does not dispute the fact that the suit filed by the said R.Vishnuvardhan Reddy against the petitioner and her father is not a suit for declaration of title and is only a suit for Specific Performance of

an Agreement of Sale.

6. Unless the suit filed by the said R.Vishnuvardhan Reddy is decreed in his favour, he cannot claim that his name should be reflected in Record of Rights. Since, admittedly, the petitioner and her father are the owners of Acs.10-00 guntas of land, which is the subject matter of the suit, and when the petitioner is claiming Acs.4-00 guntas out of the same under a registered sale deed executed by her father in her favour, it is not open to the 4th respondent to refuse to make entries in Record of Rights.

7. The 4th respondent's refusal to register the name of the petitioner in Record of Rights in respect of Acs.4-00 guntas of land in survey No.445 of Narva village, as per the registered sale deed dt.06.12.2013, merely on the ground that the said R.Vishnuvardhan Reddy objected to inclusion of her name in Record of Rights, is therefore unsustainable.

8. Therefore, this Writ Petition is allowed; the 4th respondent is directed to ignore the objection of Sri R.Vishnuvardhan Reddy and register the name of the petitioner in respect of the above land in Record of Rights. It is made clear that any such inclusion is subject to the result in O.S.No.12 of 2014 referred to above. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

14th March, 2016.
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