

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.42928 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner states that as against the loan he executed a nominal sale deed in favour of the 6th respondent and alleging that there is a fraud committed on him, he filed a complaint and the same was registered as Crime No.397 of 2013 before the Sadasivpet Police Station, Medak District. However, the 6th respondent is stated to have approached this Court in W.P.No.10903 of 2014, wherein stay all further proceedings, including arrest is stated to have been granted by this Court on 21.04.2014. The petitioner states that he is the 3rd respondent in the said writ petition. The complaint in the present writ petition is that the objections filed by the petitioner to the mutation sought for by the 6th respondent is pending before the 3rd respondent since 15.01.2014 and that taking advantage of the stay granted by this Court in the writ petition, referred to above, the 6th respondent has executed sale deeds in favour of respondents 7 to 12 and they are also seeking mutation in their name. A direction is, therefore, sought for against the 3rd respondent that he shall not mutate the names of the third parties apart from that of the 6th respondent.

It is evident that there is a civil dispute between the petitioner and the 6th respondent apart from criminal case registered against the 6th respondent as above. On the basis of the registered sale deed executed in favour of the 6th respondent the sale deeds said to have been executed by him in favour of respondents 7 to 12, is an issue, which cannot be adjudicated in this writ petition nor a direction can be issued to the 3rd respondent not to mutate anybody's name, as such direction is contrary to the A.P. Rights in Land and Pattadar Passbooks Act. The

petitioner, therefore, has to take appropriate steps as necessary under law to vindicate his rights. However, if the petitioner's objections are pending before the 3rd respondent, the 3rd respondent shall consider and take appropriate decision after giving notice to the petitioner and then take appropriate decision in the matter.

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

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

04.01.2016
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