

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.5128 OF 2006

ORDER

This writ petition is filed for the following relief:

“....to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the second respondent in registering two Agreement of Sale-cum-Irrevocable Power of Attorneys dt. 22.08.2005 & 22.8.2005 vide Doc.Nos.10283/2005 & 10284/2005 respectively as illegal, arbitrary and consequently set aside the same and further direct respondent No.2 not to entertain any registration in respect of Sy.Nos.43/2 & 52/1 to the extent of Ac.2.29 cents and Ac.4.50 cents respectively situated at Ward II, Block-8, zone-B, Kakinada Urban, Kakinada, East Godavari District, which is subject matter of O.S.No.38/88 pending on the file of I Additional Senior Civil Judge, Kakinada, East Godavari District and direct the respondent No.6 not to grant any permission or sanction to the said property on representations of the third, fourth & fifth respondents and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

Since the petitioner is a party to O.S.No.32/88 on the file of I Additional Senior Civil Judge, Kakinada, he should have taken steps in the pending suit or file a separate suit for cancellation of the documents alleged to have been executed in favour of the 3rd parties and registered by the 2nd respondent. No relief can be granted in the present writ petition.

In the circumstances, the writ petition is dismissed giving liberty to the petitioner to avail appropriate legal remedies in accordance with law challenging the above documents, if he is so advised. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

15th June, 2017

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