

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 21930 of 2015

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to dispossess the petitioners from the land admeasuring Ac.1.25 cents in Sy.No.132/ 1, Ac.3.48 cents in Sy.No.142/ 2, Ac.1.00 in Sy.No.141/ 1, Ac.2.72 cents in Sy.NO.142/ 1 and Ac.0.63 cents in Sy.No.132/ 1 of Chinna Machunuru Gram Panchayat, Neradanampadu Village, Marripadu Mandal, Udayagiri Sub-Division, Nellore District and land admeasuring Ac.3.80 cents in Sy.No.13/ 7D, Ac.1.20 cents in Sy.No.13/ 7D, Ac.1.00 in Sy.No.13/ 7F, Ac.1.00 in Sy.No.13/ 7F and Ac.2.00 in Sy.No.13/ 7F situated at Viragareddypalli Village, Muppallapadu Gram Panchayat, Hanumanthunipad Mandal, Kanigiri Sub-Division, Prakasham District, without challenging the sale deeds of the petitioners under Registration Act or under civil Law or without issuing any prior notice and without following the procedure, as illegal and arbitrary; and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the said landed property.

2) It is the case of the petitioners that the above said landed properties are purchased by them through various registered sale deeds from Sri Gold Foods Private Limited, Hyderabad. It is also urged that they also entered into development lease agreement

with one P.Narendra Reddy, S/o. Madhusudhan Reddy, for an amount of Rs.75,000/- . While things stood thus, respondents 2 to 8 started interfering with the possession and trying to dispossess the petitioners from the said land, without following due process of law. Hence, the writ petition.

3) By an order, dated 15.07.2015, this Hon'ble Court while admitting the writ petition, passed the following order:

“There shall be *status quo* as on today with regard to possession of the subject properties. Moreover, this order will not preclude the authorities from proceedings in accordance with law. Notice.”

4) A counter came to be filed denying the averments made in the affidavit filed in support of the writ petition.

5) A reading of the material placed before the Court would show that the Government issued G.O.Ms.No.131, dated 27.08.2015 for attachment of the properties, which are subject matter of dispute in the present writ petition. During the course of investigation, it came to light that out of 8 crimes registered under various provisions of law against Sri Gold Farms and Estates Private Limited, about 45,000 depositors, who have deposited amount to a tune of Rs.30.00 crores, were cheated. The total estimated fraud committed by the company was estimated at Rs.95.00 crores. The said G.O. reveals that the 9th respondent company has acquired several movable and immovable properties in the name of accused Nos.1 and 2. Having regard to the fact

that the amount has to be repaid to the depositors, G.O. came to be issued for attachment of the properties annexed to the said G.O. The properties, which are subject matter in this writ petition, were also included in the annexure. The petitioners have not challenged the said G.O. nor filed any application seeking quashing of the said crimes.

6) The averments in the counter indicate that Sri Gold Structures Private Limited induced general public to part with money by making high returns for its illegal enrichment. The 3rd respondent addressed a letter to the Inspector General of Registration, State of Andhra Pradesh, on 14.01.2014, with a request not to register any documents pertaining to the properties belonging to 9th respondent and also served the copy of the same to the Sub-Registrar, Udayagiri.

7) It is to be noted that though letter was addressed requesting the authority not to register any documents pertaining to the properties of the 9th respondent, it was found that Sub-Registrar, Udayagiri, registered documents in favour of petitioners 1,2,5,9,10 and 11 vide document Nos.2326/ 2014, dated 26.05.2014, 591/ 2014, 592/ 2014 and 593/ 2014 on 23.05.2014. The Sub-Registrar, Stone Housepet, Nellore district, registered a document in favour of petitioners 3 and 4 vide document No.2283/ 2014, dated 05.06.2014. Like wise, Sub-Registrar, Darsi, registered documents in favour of petitioners 7, 8, 13 and 14 on 03.06.2014 vide document No.1387, 1388 and 1393 of 2014 and in

favour of petitioner No.12 on 04.06.2014 vide document No.1784/ 2014. In view of the above, it is clear that these registrations were done in different sub-registrars office though the property was situated at one place. It appears that these petitioners got their properties registered in their name only with a view to protect the 9th respondent. Though the request of the petitioners appears to be simple but having regard to the manner in which the sale deeds came to be registered in their favour, their request cannot be considered.

8) Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

9) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

30.03.2017
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