

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 6404 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the order passed by the 2nd respondent vide proceedings No.Nil/2017, dated 09.02.2017 as illegal and arbitrary and consequently to set aside the same with a direction to the 2nd respondent to record the objection of the petitioners dated 09.02.2017 for registration of the property covered by plot No.15 admeasuring 4659.05 sq.yds, D Block, Sy.Nos.37 & 38 of Chinagantyada Village, Gajuwaka Mandal, Visakhapatnam District.

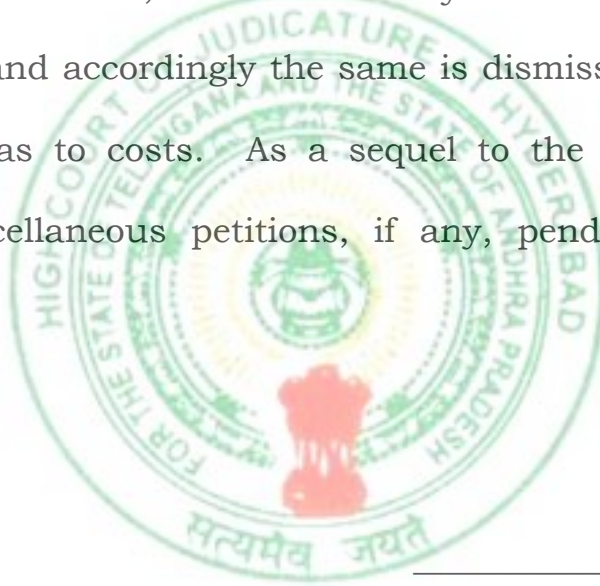
Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners submits that the petitioners have filed a suit i.e., O.S.No.8 of 2017 for specific performance of agreement of sale along with interlocutory application i.e., I.A.No.41 of 2017 seeking ad-interim injunction against the respondents 3 and 4 and that the said suit is adjourned. Meanwhile, the petitioners made application to the 2nd respondent not to register the subject land. The 2nd respondent passed impugned order dated 09.02.2017 stating that registration cannot be stopped on the ground raised by the petitioners.

Learned Assistant Government Pleader for Revenue submits that the petitioners having filed suit and failed to get interim injunction, approached this Court by way of this Writ Petition and that this Court cannot entertain the same.

It is to be seen that the petitioners cannot simultaneously pursue two remedies i.e. one by way of filing writ petition and another by way of civil suit. The petitioners, having rightly approached Civil Court for injunction, cannot file the present writ petition for the same relief.

In view of above, I do not see any reason to entertain the writ petition and accordingly the same is dismissed. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand dismissed.



A.RAJASHEKER REDDY,J

23-02-2017
kvs

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