

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2039 OF 2017

ORDER:

The case of the petitioner is that he is in possession of the property admeasuring Ac.14-00 gts in Sy.No.146, 147 of Balapur Village, Saroornagar, R.R.District for the last 20 years having purchased the same from late Chandraiah, who in turn purchased from Umma Salma. The petitioner became the title holder on 30.09.1998. While so, the petitioner came to know that the 5th respondent impounded the imitated sale deed dated 07.02.1974 on 14.09.2016 through the Court of I Additional Senior Judge, R.R.District in O.S.No.1749/2015. The respondents 6 and 7 colluded with each other in O.S.No.1749/2015 and filed a compromise memo and later the same was withdrawn on 24.10.2016 before the I Additional Senior Judge, R.R.District. Later, the 7th respondent sent a legal notice dated 11.05.2016 to the 6th respondent and filed another suit in O.S.No.586/2016 before the IX Additional Chief Judge on the basis of the impounded sale deed. But again both the respondents 6 and 7 colluded and filed a compromise memo dated 18.10.2016 accepting to register the property in the name of the 7th respondent on the basis of the validation sale deed dated 14.09.2016. Further both the respondents 6 and 7 executed GPA dated 04.11.2016 to the 3rd party before the 5th respondent. Thereafter, one more suit in O.S.No.713/2015 is filed. Later the petitioner came to know that the subject

property is included in the list of prohibited properties for registration. Therefore, he filed the present writ petition declaring the impounded (unregistered) imitated sale deed dated 07.02.1974, validated on 14.09.2016, as illegal and arbitrary.

Learned counsel for the petitioner submits that validation was done without notice to the petitioner, though petitioner's property is covered under the list of prohibited properties. She also submits that since the subject property belongs to her, the 5th respondent cannot impound the same without notice to her, as such, the same has to be set aside.

On the other hand, Learned Government Pleader for Revenue submits that the lis in the writ petition is purely a civil dispute and petitioner has to approach the Civil Court for adjudication of his rights. As far as impounding is concerned, the Civil Court ordered the same, therefore the authorities have impounded the same. If petitioner is affected by the same, he can seek declaration for setting aside the said order by approaching the Civil Court.

A perusal of the writ affidavit goes to show that the petitioner is raising purely a civil dispute in respect of the subject property. Even otherwise if according to the petitioner, the respondents 6 and 7 are trying to alienate the property, it is for the petitioner to approach the Civil Court. Moreso, this Court cannot go into the disputed questions of fact and declare the title of the petitioner by exercising judicial review under Article 226 of Constitution of India, when petitioner has an

efficacious remedy by way of filing a civil suit before the Civil Court.

In view of the above facts and circumstances, I do not see any reason to entertain the writ petition. Accordingly, the writ petition is dismissed. However, petitioner is at liberty to avail alternative remedy available under law. There shall be no order as to costs.

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

20.01.2017
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A.RAJASHEKER REDDY,J