

The Hon'ble Sri Justice A.Rajasheker Reddy

Writ Petition No.4832 of 2017

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.4 in issuing letter, dated 30-11-2016, refusing to receive the sale deed presented by the petitioner for registration in respect of the land admeasuring 1308 square yards in Plot No.10 in R.S.Nos.417/4 and 418/1 situated at Poranki Village, Penamaluru Mandal, Krishna District (for short 'the subject property'), on the basis of an injunction order passed by the XII Additional District Judge, Vijayawada, Krishna District, in OS.No.59 of 2006 (wrongly mentioned as 2005). The petitioner sought for a consequential direction to respondent No.4 to receive and register the said sale deed.

The brief facts of the case are that the petitioner-Company is the absolute owner of the subject property having purchased the same *vide* registered sale deed bearing Doc.No.1952/2010, dated 24-05-2010, from its previous owners *viz.*, Sri K.Koteswara Rao and three others, who had purchased the same *vide* registered sale deed bearing Doc.No.1443/2007, dated 05-03-2007, from their vendors.

When the petitioner- Company sought to alienate the subject property to one Sri V.Vinod Kumar, the latter appears to have submitted letter, dated 11-11-2016, to respondent No.4 seeking to verify its status in the relevant records. Respondent No.4 appears to have sent the impugned letter to the said Vinod Kumar informing him that an injunction order has been in subsistence in respect of the said property.

The petitioner has annexed a copy of the aforesaid injunction order and also the plaint in OS.No.59 of 2006 along with schedule to the Writ Petition, a perusal of which shows that, in all, there are 12 items mentioned therein and that the injunction order was granted in respect of item Nos.2 to 12 only. Hence, it is evident that there is no injunction order against the subject property.

In view of the same, the impugned letter, dated 30.11.2016, is set aside. It is left open to the petitioner- Company and its members to present the sale deed for registration before respondent No.4. On such presentation, respondent No.4 shall receive and consider the same for registration in terms of the Stamps and Registration Act, 1908, and without reference to Order, dated 31-01-2012 in

IA.No.763 of 2009 in OS.No.59 of 2006, provided the same is not included in the list of prohibited properties.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.5881 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(A.Rajasheker Reddy, J)

Dt: 20th February, 2017
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