

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No. 154 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The present appeal is preferred, by the respondents in W.P. No. 38172 of 2017, aggrieved by the interlocutory order passed by the learned Single Judge in W.P.M.P. No. 49963 of 2017 in W.P. No. 38172 of 2017 dated 29.11.2017, granting interim directions as prayed for, which is to direct the Joint Sub-Registrar, Visakhapatnam to receive, register and release the General Power of Attorney dated 7.11.2017, presented by the respondent-writ petitioners, without reference to Gazette Notification No.139 dated 23.12.2015, pending disposal of the Writ petition.

The 1st respondent herein (1st petitioner in W.P. No. 38172 of 2017) had earlier filed W.P. No. 8331 of 2016 and an interim order came to be passed, in W.P.M.P. No. 10562 of 2016 in W.P. No. 8331 of 2016 dated 15.3.2016, suspending the operation of the proceedings of the State of Andhra Pradesh and the District Collector, Visakhapatnam dated 23.12.2015 published in the Visakhapatnam District Gazette notifying certain extents of land as Government lands, and including them in the list of prohibited properties under Section 22A(1) of the Registration Act, 1908 (hereinafter referred to as "the Act").

While the learned Advocate General for the State of Andhra Pradesh would contend that the relief sought for, both in W.P. No. 8331 of 2016 and in W.P. No. 38172 of 2017, are identical, Sri D.V. Sitarama Murthy, learned Senior Counsel appearing on behalf of the respondent-

writ petitioners, would submit that prayers (c) and (d) in the present Writ Petition relate to registration of a General Power of Attorney dated 7.11.2017 which could not have been, and was in fact not, challenged in W.P. No. 8331 of 2016; and the contention that the prayers are identical is, therefore, not tenable. While prayers (a) and (b) in W.P. No. 38172 of 2017 appear to be identical to prayers (a) and (b) in W.P. No.8331 of 2016, prayers (c) and (d) are, evidently, different.

When we asked the learned Advocate General for the State of Andhra Pradesh as to whether the order passed in W.P.M.P. No. 10562 of 2016 in W.P. No. 8331 of 2016 dated 15.3.2016 continues to remain in force, he would fairly state that the said order is still in force, and the appellants herein have recently filed a petition to vacate the interim order. It is only because the subject properties were included in the notification, issued under Section 22A(1) of the Act, are they prohibited from registration. As long as the earlier interim order dated 15.3.2016, and the proceedings under Section 22A(1) dated 23.12.2015, continue to remain in force, the registration authority is not prohibited from registering the subject land in W.P. No. 38172 of 2017. In any event, since the appellants herein have already filed a petition to vacate the interim order passed in W.P.M.P. No. 10562 of 2016 in W.P. No. 8331 of 2016 dated 15.3.2016, it is always open to them to file a similar petition in the present Writ Petition also seeking vacation of the interim order under appeal dated 29.11.2017.

Leaving it open to them to do so, the Writ Appeal fails and is, accordingly, dismissed. Suffice it to make it clear that the vacate stay petition, if any filed, shall be examined on its merits uninfluenced by any observations, made by us in this order. Miscellaneous Petitions

pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

15th March, 2018

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Date:15.3.2018

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