

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Mr. JUSTICE M. GANGA RAO

Writ Appeal No.89 of 2018

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in WPMP No. 50158 of 2017 in W.P. No. 40423 of 2017 dated 30.11.2017.

The appellant herein is the 5th respondent in the Writ Petition, and the father of the Writ Petitioner. The appellant executed a Gift Deed, in favour of the 1st respondent-writ petitioner, of two plots which were divided by a common passage referred to in the plan enclosed to the Gift Deed, as a 30 feet wide common road. A Rectification deed, was, unilaterally, passed by the appellant converting the 30 feet wide common road as donor's land. In the order under appeal, the learned Single Judge observed that the Sub-Registrar could not have, without notice to the 1st respondent-writ petitioner, registered the Rectification Deed dated 14.7.2017, executed by the appellant-5th respondent, unilaterally rectifying the boundaries of the property mentioned in the subject Gift Deed executed in favour of the 1st respondent-writ petitioner.

While Sri Vedula Srinivas, learned counsel for the appellant, would submit that Rule 26(i)(k)(i) of the A.P. Registration Rules, 1960 has no application to Gift Deeds or its rectification, it must be borne in mind that the interim order under appeal is merely an order of suspension, which the appellant herein can seek vacation of by filing a petition to vacate the said order. The order under appeal is not one such, where we should exercise our jurisdiction under Clause 15 of the Letters Patent.

Leaving it open to the appellant herein to avail his remedy of filing a petition to vacate the interim order, the Writ Appeal fails and is,

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

(RAMESH RANGANATHAN, ACJ)

(M. GANGA RAO, J)

25th January, 2018

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Date: 25.1.2018

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