

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

Writ Appeal No. 383 of 2018

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

This appeal is preferred against the order passed by the learned Single Judge in WPMP No. 52688 of 2017 in W.P. No. 42502 of 2017 dated 21.12.2017 whereby interim directions as prayed for was granted.

The interim relief sought for in the WPMP is to direct the Sub-Registrar, Mydukur to receive the documents and to register them. The main relief, sought for in the Writ Petition, is for a mandamus to declare the action of the Sub-Registrar, Mydukur in not registering the subject land, on the ground that the respondent-writ petitioner's land is included under Section 22-A(1) of the Registration Act, as arbitrary and illegal; and to, consequently, direct the Joint Sub-Registrar to receive the documents and to register the same.

The ad-interim relief granted by the order under appeal is, in effect, the main relief sought for in the Writ Petition. A direction could have been issued to the Sub-Registrar, to receive and register the documents, only if, and after, the proceedings of the District Collector, Kadapa, including the subject lands in the prohibitory list, were to be set aside. Such a relief would, ordinarily, not be granted at the interlocutory stage.

While we were initially inclined to admit the appeal and grant stay, Sri S.Dushyanth Reddy, learned counsel for the respondent-writ petitioner, would submit that, instead, the order under appeal be set aside, WPMP No. 52688 of 2017 be restored to file, and a time-frame be stipulated within which the appellants should file their counter-affidavit.

In the light of the submission of Sri S. Dushyanth Reddy, learned counsel for the respondent-writ petitioner, the order under appeal is set aside, and WPMP No. 52688 of 2017 is restored to file. The appellants herein (respondents in the Writ Petition) shall file their counter-affidavit, in the Writ Petition, within four weeks from today. It is open to Sri S.Dushyanth Reddy, learned counsel for the respondent-writ petitioner, to request the learned Single Judge to take up WPMP No. 52688 of 2017 any day after four weeks.

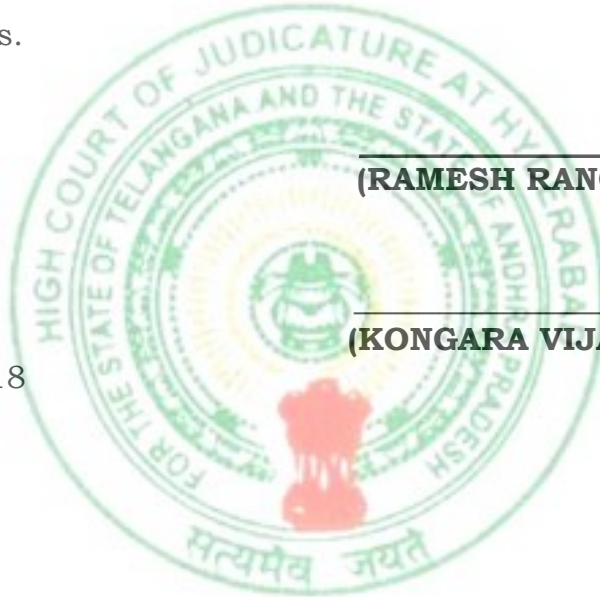
The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

12th March, 2018

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Date: 12.3.2018

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