

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.5376 and 5416 of 2018

COMMON ORDER:

The petitioner states that he is a builder and developer of the properties and he entered into a development agreement – cum – irrevocable general power of attorney on 27.06.2015 in respect of the land of an extent of Acs.9.31 guntas in Survey Nos.90/A, 90/AA, 90/U, 90/E, 90/EE, 90/U/1, 90/EE/2, 90/AA/3 and 90/E/1 situated at Kethireddypally Village and Gram Panchayat, Moinabad Mandal, Ranga Reddy District. He states that under the said development agreement he has got 50% rights over the property. The possession was also delivered to him. So far he has spent nearly Rs.80.00 lakhs and prepared a tentative layout plan and the landlord is not cooperating thereafter. When the landlord was trying to interfere with the possession of the land, he filed a Police complaint on 17.08.2017 and the same was registered as Crime No.381 of 2017 on the file of the Moinabad Police Station. The landlord's brother filed O.S.No.29 of 2016 on the file of the learned XII Additional District Judge, Vikarabad, and the same is pending. The petitioner states that he filed an application seeking impleadment in the said suit. The petitioner further states that he executed three sale deeds in favour of the intending purchasers and also entered into around thirty agreements of sale with third party purchasers. The landlord also executed

two sale deeds in the year 2017 and they appear to have applied for mutation of their names in the revenue records. The petitioner states that he filed objections to the said mutation. Hence, the petitioner filed W.P.No.5376 of 2018 seeking a direction to respondent Nos.2 and 3 therein not to mutate the names of the vendees covered by the sale deeds executed by the landlord. He also filed W.P.No.5416 of 2018 challenging the action of respondent Nos.2 and 3 therein in trying to cancel the development agreement-cum-irrevocable general power of attorney.

In view of the above facts and circumstances, more so in view of the pendency of the civil suit before the competent Court, this Court is not inclined to entertain the present Writ Petitions. It is clear that the petitioner did not file any suit seeking appropriate relief. It is for the respondents to exercise their discretion and this Court cannot direct them to act in a particular manner. As on today, no cause of action arose and the Writ Petitions are premature.

The Writ Petitions are, accordingly, dismissed at the admission stage. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

20.02.2018
vs