

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29436 of 2018

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue (Andhra Pradesh).

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the inaction of respondents in updating the revenue records by keeping the lands admeasuring Acs.9.50 cents in R.S.Nos.282, 312, 411 and 412, situated at Narsapuram, Korukonda Mandal, East Godavari District under prohibitory list, as illegal and arbitrary.

4. The averments in the affidavit filed in support of the Writ Petition would show that the petitioners entered into an agreement of sale over the scheduled properties with different people on different dates and paid total sale consideration. They also seems to have got executed possession certificate and since then enjoying the said properties. The vendors of the agreement of sale developed evil ideas to grab the properties from the petitioners and on coming to know about the same, the petitioners got issued a legal notice to register the sale deeds in their favour. Thereupon, the vendors of the agreement of sale along with their henchmen interfered with the peaceful possession and enjoyment

of the properties, which lead to giving of a police report and also filing nine different suits for specific performance and for permanent prohibitory injunction. Later on, the petitioners came to know that the defendants in the above suits were making hectic attempts to alienate the properties so as to create complications in the matter and hence the petitioners got issued legal notice to respondent No.4 on 30.03.2017 to update the revenue records by keeping the lands under the prohibitory list from alienation and also requested not to issue the pattadar pass book to the parties with respect to the above properties as the suits are pending adjudication. Since there is no response for the said notice, the present petition came to be filed.

5. Learned Government Pleader, who took time to get instructions, placed on record the instructions received from the Tahsildar, Korukonda Mandal, East Godavari District. As per the instructions, the first petitioner is having landed property in R.S.No.282/ 1, admeasuring Ac.0.21 cents and admeasuring Acs.2.41 cents in R.S.No.282/ 3. As per the instructions, no lands were registered in the name of the Writ Petitioners in R.S.Nos.312, 411 and 412 of Narasapuram Village. The said survey numbers, which were covered by the Writ Petition, was sub divided into two to four sub divisions and registered in the names of various pattadars and enjoyers and the total extent of the survey numbers is Acs.17.18 cents. Now, the present Writ petitioners filed this petition in relation to land admeasuring Acs.9.50 cents only,

mentioning the R.S.Nos.282, 312, 411 and 412, without giving any specific extents and the extents owned by the Writ petitioners. Enquiry in the village revealed that there are disputes between the writ petitioners and the family members of one Pullepu Ganga Veera Surya Kumari and Sandhya Pani, regarding an extent of Ac.1 cents; with Chikkireddy Pullayya, S/o.Burayya and his brother regarding an extent of Ac.0.71 cents in R.S.No.312, thirdly, with Pullepu Rama Krishna Rao and Sandhya Pani regarding an extent of Acs.2.50 cents in R.S.No.411 and fourthly, with Naga Babiraju and his family members, Pullepu Ganga Veera Survy Kumari and Tipiriseti Veera Venkatarao regarding an extent of Acs.5.90 cents in R.S.No.412. From the above, it is clear that the present petitioners, already filed suits with O.S.Nos.395, 397, 399, 400, 401, 402, 403, 405 and 406 of 2016, before the I Additional Junior Civil Judge, Rajamahendravaram, against the persons cited supra and they are still pending. It was also confirmed in the letter dated 30.03.2017, received from the Advocate of the Writ petitioners and letter dated 10.07.2018, of the Writ petitioners, that there is Civil dispute between the petitioners and the persons cited supra.

6. Therefore, a perusal of the material placed on record would show that there are number of disputes between the parties and also disputes between the petitioners and their family members. If really, the petitioners want to prevent any registration of property documents, the appropriate authorities would be the

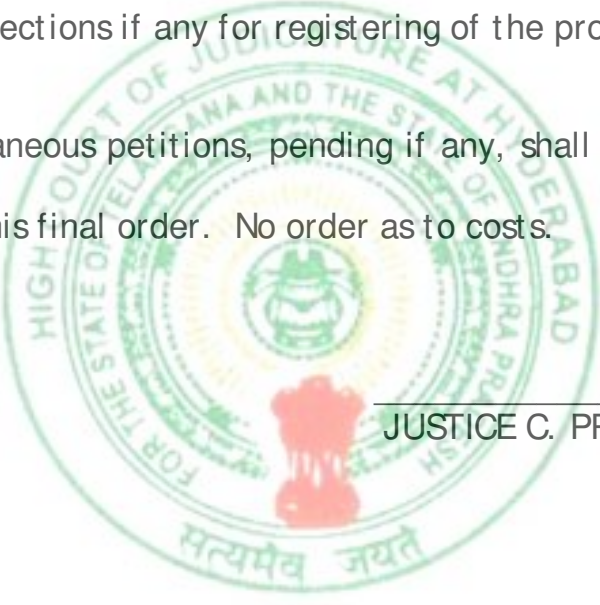
Registrar concerned, to whom the petitioners shall approach and submit in detail the objections, if any, for registering of the property or take an order from the Civil Court.

7. Having regard to the above, the request of the petitioner to give a direction to the concerned authorities to enlist the property under prohibitory list may not be proper.

8. Hence, the Writ Petition is disposed of giving liberty to the petitioners to approach the Registrar concerned and submit in detail the objections if any for registering of the property.

9. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

27.08.2018
vhb



JUSTICE C. PRAVEEN KUMAR