

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.11413 OF 2019

ORDER

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an order, direction or writ more in the nature of a mandamus

a). By declaring that the registration of the sale deed dated 15-11-2018 in document NO. 557/2018 by the 4/7th respondent being without jurisdiction, contrary to the notice dated 1-10-2018 without recording a protest as per the provisions of the registration act; being contrary to the orders of the attachment intimated and acknowledged by the 4/7th respondent is null and void and void-ab initio;

b). Consequently the application filed by 9th respondent before the 4th respondent for conversion of agriculture land into non-agriculture land is unsustainable and no permission can be granted on the basis of such a sale deed;

C). Declare that the memo dated 20-04-2019 issued by the 4th respondent in RC.NO. A2/753/2018 intimating the petitioner that the sale deed bearing NO. 557/2018 dated 15-11-2018 executed by the 8th respondent in favour of the 9th respondent is valid; and further that the boundaries in the E.P. and the sale deed are different and hence, the sale deed executed by the 4th respondent/exercising the jurisdiction of the 7th respondent is valid is contrary to the record and hence liable to be set-aside and pray this Hon'ble court to quash the memo dated 20-04-2019.

d). To award costs of the writ petition;

e). pass such other and further order or orders as this Hon'ble Court deems and proper in the circumstances of the case.'

Perusal of the aforestated prayer reflects that multiple reliefs are sought by way of this single writ petition. The prayer under Clause (a) is

for cancellation of a registered sale deed and cannot be entertained by this Court in exercise of jurisdiction under Article 226 of the Constitution. It is an admitted fact that there was no injunction restraining the registration authorities from entertaining any sale deed for registration. No other exceptional circumstances have been cited warranting interference under Article 226. In that view of the matter, if the petitioner wants cancellation of the registered sale deed, his remedy lies elsewhere.

The relief sought under Clause (b) is wholly unconnected with the relief sought under Clause (a). If the petitioner has any grievance in relation to this issue, he would necessarily have to file an independent writ petition and cannot club it with his prayer in Clause (a).

The relief sought in Clause (c) is connected to the relief sought in Clause (a) and would therefore be amenable to redressal before the competent forum and not before this Court.

On the above analysis, the writ petition, as framed, is utterly misconceived and is accordingly dismissed. This order shall however not preclude the petitioner from seeking redressal before the competent forum in relation to each of the reliefs aforestated.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR, J

12th JUNE, 2019

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