

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.29248 of 2015

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.2 and 3 in not executing registered Sale Deed in favour of the Petitioner in respect of Plot No.137/ B admeasuring 1843 sq. mtrs. in Survey No.174 Part situated at IDA Cherlapally, Phase-III, Cherlapally Village Ghatkesar Mandal, Ranga Reddy District, as arbitrary, illegal and unjustified and consequently direct Respondent Nos.2 and 3 to execute a registered Sale Deed in favour of the Petitioner in respect of the above said property”.

Heard Sri S.Lakshmi Kanth, learned counsel appearing for the petitioner, learned Government Pleader appearing for the 1st respondent and Sri L.Prabhakar Reddy, learned Standing Counsel appearing for respondents 2 and 3.

It has been contended by the petitioner that it was allotted an industrial plot by the 2nd respondent in Sy.No.174 (part) situated at IDA Cherlapally, Phase-III, Cherlapally Village, Ghatkesar Mandal, Ranga Reddy District, way back in the year 2005 and it has entered into an agreement of sale with respondents 2 and 3 on 21.11.2006. The grievance of the petitioner is that though it has paid the entire sale consideration, respondents 2 and 3 are not executing the sale deed in its favour.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to execute the sale deed in favour of the petitioner in accordance with law.

Learned Standing Counsel appearing for the respondents contended that the petitioner has filed O.S.No.893 of 2009 against the respondents and the same was decreed in favour of the petitioner on 22.07.2011. Since the petitioner has violated the terms of allotment, the respondents have issued a show-cause notice to the petitioner way back in the year 2009. However, the case of the petitioner would be considered in accordance with law, if the petitioner submits a fresh representation to the respondents.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents requesting to execute registered sale deed in its favour, as it has already paid the entire sale consideration to the respondents. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 18-02-2020
Prv

