

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NOs.8992 OF 2018 AND 23428 OF 2019

COMMON ORDER:

As the property, which is the subject matter of these two Writ Petitions, is one and the same and arising out of the very same fact situation, both the Writ Petitions are heard together and are being disposed of by this common order.

2. W.P.No.8992 of 2018 is filed questioning the action of the respondents 2 to 4 in cancelling the registered sale deed, dated 06.04.1991 vide document No.2819/1991 through Memo No.GEN/790/2014 dated 16.07.2014 and DR.No.4000/G1/2014 dated 01.06.2014 in respect of landed property situated in Survey No.83/1 admeasuring Acs.5.00 gts of Rai Durg Pan Maktha Village, Sherilingampally Mandal, Ranga Reddy District, as illegal and arbitrary.

3. A learned Single Judge, having taken note of the fact that no counter affidavit was filed by then, by an order dated 30.09.2019, granted interim suspension of the impugned memos dated 16.07.2014 and 01.06.2014. Taking the benefit of the interim suspension granted in W.P.No.8992 of 2018, the petitioners claimed to have submitted the conveyance deeds for registration in favour of the petitioners 8 to 13 in W.P.No.23428

of 2019 and as the respondent-Sub Registrar kept the said documents pending without processing the same for registration, the petitioners in W.P.No.8992 of 2018 along with the purchasers filed W.P.No.23428 of 2019 questioning the action of the respondent-Sub Registrar in keeping the documents pending without processing the same.

4. Though the petitioners filed W.P.No.8992 of 2018 questioning the Memos dated 16.07.2014 and 01.06.2014, copies of the same are not filed by the petitioners along with the Writ Petition. The fifth respondent herein came on record by filing an implead application and the petitioners herein have expressed their 'no objection' for the fifth respondent to come on record in both the Writ Petitions. The fifth respondent brought to the notice of this Court that the first petitioner in both the Writ Petitions, namely Smt. G. Saraswathi Bai, on an earlier occasion, filed W.P.No.5634 of 2017 with the following prayer:-

“...to issue an appropriate order, writ or direction more particularly a writ in the nature of Mandamus declaring the proceedings No.4000/G1/2014 dt.1.8.2014 issued by the 2nd respondent under Registration and Stamps Act as informed in Letter No.290/RTI/G1/2016 dt.26.9.2016 by the 3rd respondent including the endorsement dt.17.11.2014 on the sale deed bearing document No.2819/1991 dt.6.4.1991 as illegal, without authority of law and consequently to set aside the same, and pass such other further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

A copy of the said proceedings dated 01.08.2014 is also placed on record by the fifth respondent. A perusal of the said

proceedings shows that, consequent upon a judgment of the Hon'ble Apex Court reported in **State of A.P. v. N.Audikesava Reddy¹** and **Omprakash Verma v. State of A.P.²**, various registered documents were cancelled and necessary endorsements were made on the encumbrance certificates of the respective documents including the sale deed dated 06.04.1991 vide document No.2819/1991 through which the petitioners in both the Writ Petitions are claiming right over the land in question.

5. Questioning the said letter dated 01.08.2014, the first petitioner herein filed W.P.No.5634 of 2017 and the same is pending for consideration before a learned Single Judge of this Court and the same was stated to have heard in-part as on date. Suppressing the fact of pendency of the said Writ Petition, the first petitioner, along with the other petitioners, filed these two Writ Petitions.

6. The relief sought in W.P.No.8992 of 2018 is, in fact, substantially the same as the relief sought for in W.P.No.5634 of 2017 though the phraseology is moulded in different fashion. Ultimately, the subject matter of W.P.No.8992 of 2018 is the validity of the letter vide DR.No.4000/G1/2014 dated

¹ (2002 1 SCC 227

² (2010) 13 SCC 158

01.08.2014 and the cancellation of sale deed dated 06.04.1991.

But, for the reasons best known, the petitioners have suppressed the pendency of W.P.No.5634 of 2017 before this Court.

7. The relief sought for in W.P.No.23428 of 2019 is, in fact, a consequential relief consequent upon interim suspension granted by this Court in W.P.No.8992 of 2018. Even in this Writ Petition also, the petitioners have not disclosed about the pendency of W.P.No.5634 of 2017 filed by the first petitioner. Even otherwise, as the petitioners are claiming the benefit of interim suspension granted by this Court in W.P.No.8992 of 2018, the petitioners ought to have filed appropriate application in the said Writ Petition itself instead of filing a separate Writ Petition. No plausible explanation is coming forth from the petitioners for not disclosing the pendency of W.P.No.5634 of 2017 filed by the first petitioner herein.

8. Though Mr. E. Ajay Reddy, learned Senior Counsel appearing for the fifth respondent, made elaborate submissions on the merits of the case by drawing attention of this Court to various land ceiling proceedings and the orders passed by the Hon'ble Apex Court, this Court is of the considered view that all these aspects need not be considered for disposal of these two

Writ Petitions and these two Writ Petitions are liable to be dismissed without going into the merits of the case, on factual aspects.

9. In the light of the above, this Court is not inclined to entertain these two Writ Petitions, as the petitioners have suppressed the fact of pendency of W.P.No.5634 of 2017 filed by the first petitioner wherein similar issues are raised on the very same factual scenario.

10. Accordingly, both the Writ Petitions are dismissed. However, it is open for the petitioners to pursue and agitate their rights, if any, in the pending W.P.No.5634 of 2017.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(MUMMINENI SUDHEER KUMAR, J)

9th February 2023
RRB