
(2023) 03 TEL CK 0096
In the Telangana High Court
Case No : Writ Appeal No. 178 Of 2023

Singi Reddy Laxmi

APPELLANT

Vs

Billa Srinivas And 26 Others

RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Citation : (2023) 03 TEL CK 0096

Hon'ble Judges : Ujjal Bhuyan, CJ;N. Tukaramji, J

Bench : Division Bench

Advocate : E.Madan Mohan Rao

Final Decision : Allowed

Judgement

1. Heard Mr. C.Kumar, learned counsel for the appellants and Mr. E.Madan Mohan Rao, learned Senior Counsel for respondents No.1 and 2.

2. This writ appeal is directed against the order dated 12.09.2022 passed by the learned Single Judge in I.A.No.3 of 2021 in W.P.No.12701 of 2021.

3. A detailed order was passed on 09.02.2023, which is extracted hereunder:

This appeal is directed against the order dated 12.09.2022 passed by the learned Single Judge allowing I.A.No.3 of 2021 in W.P.No.12701 of 2021.

It may be mentioned that appellants are the petitioners in W.P.No.12701 of 2021. They have filed the related writ petition taking exception to the action of the Sub-Registrar, Hayatnagar, Ranga Reddy District in entertaining and registering sale deeds and other conveying deeds in favour of prospective purchasers in respect of the subject land. I.A.No.1 of 2021 was filed for stay.

According to the writ petitioners, they had filed O.S.No.383 of 2013 before the II Additional District Judge, Ranga Reddy District at L.B.Nagar for partition and separate possession of the suit schedule property. In the civil suit, they also filed interlocutory applications being I.A.Nos.1132 of 2013 and 1133 of 2013 wherein

civil court granted ad interim injunction on 01.04.2013. Notwithstanding such injunction order of the civil court and in complete disregard to standing order No.219 dated 10.03.2010 of the Commissioner and Inspector General of Registration and Stamps, the Sub-Registrar, Hayatnagar, Ranga Reddy District was going ahead entertaining and registering sale deeds and other conveyance deeds in respect of the same subject land.

On 04.06.2021, learned Single Judge granted interim stay in I.A.No.1 of 2021 in the following manner:

On 01.04.2013, the Court of II Additional District Judge at Ranga Reddy District granted injunction order restraining the respondents/ defendants from alienating or transferring the schedule A, B and C properties in I.A.No.1132 of 2013 in O.S.No.383 of 2013. After contest, the said order is affirmed. Petitioners allege that even though the respondent authorities were informed about granting of injunction order, they are entertaining the documents for registration. In support of his contention, learned counsel for the petitioner placed reliance on a deed of conveyance registered by the registering authority on 25.02.2021 and alleges that the registering authority is continued to register the deeds of conveyance. Having regard to the same, there shall be interim direction as prayed for. Petitioners are also directed to upload the orders passed by the trial Court as well as this Court in the present writ petition in 'DHARANI' web portal.

It may be mentioned that respondents No.8 to 21 in the writ petition, after getting themselves impleaded, filed interlocutory applications being I.A.Nos.4 to 6 of 2022 for vacating the order dated 04.06.2021 passed by the learned Single Judge in I.A.No.1 of 2021.

Learned Single Judge by the order dated 29.10.2022 declined to vacate the interim order but granted leave to the said respondents to file appropriate application before the trial Court for modification of the injunction order. It is against the aforesaid order dated 29.10.2022 that W.A.Nos.796 of 2022 and 797 of 2022 came to be filed. Both the writ appeals were dismissed by the Division Bench vide the order dated 08.12.2022. While dismissing the writ appeals, the Division Bench affirmed the view taken by another learned Single Judge of this Court in T.Ganesh v. State of Telangana (W.P.No.26137 of 2019 and batch decided on 23.01.2020).

Thereafter appellants i.e., the writ petitioners were served with a copy of the order dated 12.09.2022 passed by the learned Single Judge in I.A.No.3 of 2021 in W.P.No.12701 of 2021.

I.A.No.3 of 2021 was filed by one Billa Srinivas and his wife Billa Latha (proposed respondents No.16 and 17 in the writ petition). Prayer made in I.A.No.3 of 2021 was to vacate/modify the interim order dated 04.06.2021 passed in I.A.No.1 of 2021. By the order dated 12.09.2022, I.A.No.3 of 2021 was ordered and the order dated 04.06.2021 passed in I.A.No.1 of 2021 has been modified insofar property of the applicants i.e., Billa Srinivas and Billa Latha is concerned.

If indeed learned Single Judge had passed the order dated 12.09.2022, certainly there would have been a reflection of the said order in the subsequent order dated 29.10.2022 whereby the stay vacate petitions were rejected. Division Bench was also not informed of any such order being passed when it had dismissed the two writ appeals being W.A.Nos.796 of 2022 and 797 of 2022 on 08.12.2022.

Court officer has checked from the court website insofar I.A.No.3 of 2021 is concerned. The status shown as on today is 'pending' whereas as per the order dated 12.09.2022, IA.No.3 of 2021 was ordered. This order is not available in the court website. A grave doubt has arisen in the mind of the Court that there is some foul play. To verify the same, let the entire case record of W.P.No.12701 of 2021 including IA.No.3 of 2021 be placed before us at 2:30 p.m., today whereafter further orders will be passed.

4. Thereafter, a separate order came to be passed on the same day at 2:30 p.m., which reads as under:

We have perused the proceeding sheets of W.P.No.12701 of 2021 as well as I.A.No.3 of 2021 therein.

We find that on 12.09.2022, I.A.No.2 of 2021 along with I.A.Nos.1 to 3 of 2022 were ordered directing the office to carryout necessary amendments to the cause title.

I.A.No.3 of 2021 was ordered by the same order. On going through the order passed in I.A.No.3 of 2021 we find that submissions of learned counsel for the applicants were recorded but neither the writ petitioners nor the State counsel were heard. That apart, if the said I.A was ordered on 12.09.2022, we fail to understand as to how till date status of the said I.A is shown as pending. Certified copy of the order dated 12.09.2022 has also not been made available.

In the circumstances, we are of the view that the entire episode requires to be thoroughly enquired into.

Let Registrar (Judicial-I) enquire into the matter and submit his report in sealed cover before us within two weeks.

In the meanwhile, order dated 12.09.2022 passed in I.A.No.2 of 2021, I.A.Nos.1 to 3 of 2022 and I.A.No.3 of 2021 in W.P.No.12701 of 2021 shall remain stayed.

That apart, all further proceedings in W.P.No.12701 of 2021 shall also remain stayed. In other words, the interim order dated 04.06.2021 as was originally passed shall continue to hold the field until further orders.

List this matter on 02.03.2023 as the first item.

5. Registrar (Judicial-I) has filed a detailed report dated 25.03.2023 along with annexures in a sealed cover. We have opened the sealed cover in the Court and have perused the report. We feel that certain decisions may have to be taken on

the administrative side.

6. Let the report be placed along with the case file before me (HCJ) on the administrative side.

7. Insofar the order dated 12.09.2022 passed by the learned Single Judge in I.A.No.3 of 2021 in W.P.No.12701 of 2021 is concerned, we find that learned Single Judge had modified the order dated 04.06.2021 passed in I.A.No.1 of 2021 in W.P.No.12701 of 2021 without recording and considering the submissions made by the writ petitioners.

8. That being the position, we set aside the order dated 12.09.2022 passed by the learned Single Judge in I.A.No.3 of 2021 in W.P.No.12701 of 2021. The matter is remanded back to the file of the learned Single Judge having roster to decide the matter afresh in accordance with law.

9. While considering I.A.No.3 of 2021 in W.P.No.12701 of 2021 afresh, it would be open to the parties to refer to the Division Bench decision dated 08.12.2022 passed in W.A.Nos.796 of 2022 and 797 of 2022.

10. Writ Appeal is accordingly allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.