

(2023) 02 TEL CK 0073
In the Telangana High Court
Case No : Writ Appeal No. 99 Of 2023

V. Nirupama Reddy

APPELLANT

Vs

Gaddam Raju Goud

RESPONDENT

Date of Decision : 23-02-2023

Acts Referred:

Citation : (2023) 02 TEL CK 0073

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

Bench : Division Bench

Advocate : K K Mahender Reddy, Peri Prabhakar, Ayesha Saba

Final Decision : Disposed Of

Judgement

1. Heard Mr. Peri Prabhakar, learned counsel for the appellants and Ms. Ayesha Saba, learned counsel for respondent No.1.
2. Appellants are aggrieved by the order dated 14.12.2022 passed by the learned Single Judge disposing of W.P.No.44719 of 2022 filed by respondent No.1 as the writ petitioner.
3. Respondent No.1 had filed the related writ petition seeking a direction to the Tahsildar – cum – Sub Registrar, Shamshabad Mandal, Ranga Reddy District, to include the land in Schedule Part (A) of Survey Nos.33, 33(1), 33(2), 22(3), 35, 36, 43, 45, 45/A/A, 45(A1/1), 45(A1/2), 45/(A1/3), 45/A/2 area admeasuring Acs.71.07 guntas, Schedule Part (B) property land in Survey Nos.49, 49/AS/2, 49(A/2), 49(A/3), 49/A/1, 49/AA/1 area admeasuring Acs.15.03 guntas total admeasuring Acs.86.10 guntas situated at Raikunta Village, Golkonda Kalan, Shamshabad Mandal, Ranga Reddy (hereinafter referred to as, 'the subject land'), under the caption "litigation" and not to allow any registration of document for alienation of the subject land.
4. It was pointed out on behalf of respondent No.1 before the learned Single Judge that there is an agreement of sale between respondent No.1 and

respondent No.6 for sale of the subject land. However, for failure of respondent No.6 in executing the sale deed, respondent No.1 filed O.S.No.264 of 2022 on the file of learned II Additional District and Sessions Judge, Ranga Reddy District, seeking specific performance of agreement of sale. Along with the suit, an application seeking injunction was also filed, being I.A.No.472 of 2022. Civil court passed an order on 28.04.2022 in the said interlocutory application restraining respondent No.6 from alienating or creating any third party interest over the subject land.

5. Respondent No.1 had submitted a representation dated 31.10.2022 before the Tahsildar – cum – Sub Registrar, Shamshabad Mandal, Ranga Reddy District, not to register any document for alienation of the subject land. With the grievance that the said representation was not being acted upon, the related writ petition came to be filed.

6. Learned Assistant Government Pleader for Revenue, on instructions, had submitted before the learned Single Judge that Tahsildar – cum – Sub Registrar, Shamshabad Mandal, would consider the representation of respondent No.1 in accordance with law.

7. In view of the above, learned Single Judge vide the order dated 14.12.2022 disposed of the writ petition by directing the Tahsildar – cum – Sub Registrar, Shamshabad Mandal, Ranga Reddy District, to consider the aforesaid representation dated 31.10.2022 submitted by respondent No.1.

8. Learned counsel for the appellants submits that respondent No.6 has no title over the subject land.

Therefore, respondent No.6 could not have entered into any agreement of sale or execute any sale deed in favour of respondent No.1. On the other hand, it is the appellants who have the right, title and interest over the subject land. Any order passed by the Tahsildar – cum – Sub Registrar on the representation of respondent No.1 pursuant to the direction of the learned Single Judge may adversely affect the interest of the appellants.

9. Learned counsel for respondent No.1 submits that order passed by the learned Single Judge is a reasonable one which cannot be construed to be adverse to the appellants or to any party. Therefore, no interference is called for.

10. After hearing learned counsel for the parties and on due consideration, we are of the view that it would be just and appropriate if the Tahsildar – cum – Sub Registrar, Shamshabad Mandal, Ranga Reddy District, while considering the representation of respondent No.1 dated 31.10.2022 also considers the objections that may be raised by the appellants before passing any order. We, therefore, grant leave to the appellants to submit their objections before the Tahsildar – cum – Sub Registrar, Shamshabad Mandal, Ranga Reddy District, within a period of ten days from today, whereafter the Tahsildar – cum – Sub Registrar, Shamshabad Mandal, Ranga Reddy District, shall hear the appellants,

respondent No.1 and any other interested party and pass necessary order(s) in accordance with law.

11. This disposes of the writ appeal.

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