

(2023) 02 TEL CK 0028

In the Telangana High Court

Case No : I.A.Nos. 1, 2 Of 2023 In Writ Appeal No. 174 Of 2023

Vojjela Vishnuvardhan

APPELLANT

Vs

K Venkatesh

RESPONDENT

Date of Decision : 07-02-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 02 TEL CK 0028

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

Bench : Division Bench

Advocate : A Ganesh Raj, N V R Rajya Lakshmi

Final Decision : Dismissed

Judgement

1. Heard Mr. Vijay B. Paropkari, learned counsel appearing on behalf of Mr. A.Ganesh Raj, learned counsel for the appellants.
2. I.A.No.1 of 2023 has been filed by the appellants seeking leave to file the related writ appeal.
3. I.A.No.2 of 2023 has been filed to condone the delay of 1350 days in filing the related writ appeal.
4. Writ Appeal is directed against the order dated 24.04.2019 passed by the learned Single Judge disposing of W.P.No.6661 of 2019 filed by respondent No.1 as the writ petitioner.
5. Order of the learned Single Judge dated 24.04.2019 reads as under:

This writ petition, filed under Article 226 of the Constitution of India, seeks to declare the inaction of the Respondents 1 and 2 in considering and disposing of the representation of the Petitioner dated 14.02.2019 for implementing the decree and judgment in O.S.No.280 of 2007, dated 06.05.2008, passed by the Junior Civil Judge, Ranga Reddy District at Medchal in the Register Books, E.C etc., of the Respondent No.1 as bad in law and violative of Rule 26 (k) (i) of

Andhra Pradesh Rules under the Registration Act 1908 and consequently, direct the Respondents 1 and 2, to consider and dispose of the representation of the Petitioner dated 14.02.2019 for implementing the decree and judgment in O.S.No.280 of 2007, dated 06.05.2008, passed by the Junior Civil Judge, Ranga Reddy District at Medchal, in the Register Books, E.C etc., of the Sub-Registrar, Quthbullapur/Respondent No.1.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue representing respondents 1 to 5 and perused the record.

3. It has been contended by the learned counsel for the petitioner that the petitioner filed representation on 14.02.2019 before the respondents 1 and 2 to incorporate in the Register/Books the outcome of the Judgment and decree in O.S.No.280 of 2007, dated 06.05.2008, passed by the learned Junior Civil Judge, Ranga Reddy District at Medchal. However, no action has been taken by the respondents 1 and 2.

4. As per the submissions made by both the sides and the material placed on record, it is seen that there is no denial of the petitioner submitting a representation dated 14.02.2019 to the Sub-Registrar, Medchal, Medchal Malkajgiri District/respondent No.2 herein to incorporate the decision rendered by the learned Junior Civil Judge, Ranga Reddy District at Medchal in O.S.No.280 of 2007, dated 06.05.2008 in the relevant books including E.C, etc., maintained by the Sub-Registrar, Quthbullapur, Medchal Malkajgiri District/respondent No.1.

5. In the course of submissions, it is not substantiated by the learned Assistant Government Pleader for Revenue that any action is being taken on the representation dated 14.02.2019. When an application is filed before the authorities to take some action, the same is required to be disposed of in terms of governing regulations.

6. Under these circumstances, the respondents 1 and 2 are directed to dispose of the representation dated 14.02.2019, submitted by the petitioner, within a period of three months from the date of receipt of copy of this order.

7. Accordingly, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

6. Though a view may be taken that proceedings under Article 226 of the Constitution of India cannot be converted into execution proceedings, nonetheless from a careful perusal of the order of the learned Single Judge what is discernible is that learned Single Judge has directed the Sub-Registrars (respondents No.1 and 2 in the writ petition) to consider the representation dated 14.02.2019 of respondent No.1 (writ petitioner). The representation was submitted in the backdrop of the facts narrated by the learned Single Judge in paragraphs 3 and 4 supra.

7. Learned counsel for the appellants submits that appellants had purchased the

land in question; following the aforesaid decision of the learned Single Judge, respondent No.1 has filed a contempt case; and out of fear of contempt, respondents No.2 and 3 (Sub-Registrars) have removed the names of the appellants from the land register to incorporate the name of respondent No.1.

8. If the appellants are aggrieved by any such action of the authorities, it is open to them to avail their remedy in accordance with law, but we see no good reason to interfere with the direction of the learned Single Judge as contained in the order dated 24.04.2019 passed in W.P.No.6661 of 2019.

9. Therefore, we decline to grant leave to the appellants to file the related writ appeal and to condone the delay of 1350 days in filing the same. I.A.Nos.2 of 2023 and 3 of 2023 are accordingly dismissed.

10. Consequently, the Writ Appeal is dismissed. No costs.

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