

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

[2696]

TUESDAY, THE THIRD DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE M.GANGA RAO

IA No. 1 OF 2020

IN

WP NO: 17807 OF 2020

Between:

1. Chinni Padmasri, W/o late Subba Rao
2. Chintalapalli Pavan Kumar Sree Rekha, W/o Ramanath Pavan Kumar
3. Chinni Ramya, W/o V. Venkatesh Gupta
4. Chinni Karthik, S/o late Subba Rao

...Petitioners
(Petitioners in WP. 17807 OF 2020
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by its Prl. Secretary, Revenue Department, AP Secretariat, Velagapudi, Guntur District.
2. The District Collector, SPSR Nellore District Achari Street, Nellore City-524001
3. The Tahasildar, Nellore Urban Mandal, Railway Feeder's Road Nellore City.
4. The District Registrar, District Registrar's Office, Near A.C. Subbareddy Vegetable Market, Nellore city -524003 SPSR Nellore District
5. A.P. State Wakf Board, Rep. by its Chief Executive Officer, 4th Floor, ImdadGhar Complex, Kaleswar Rao Market, Vijayawada-520 001
6. The Inspector Auditor of Waqf, AP State Waqf Board, Near EHS Office, Podalakur Road, Nellore City, SPSR Nellore District.

...Respondents
(Respondents in-do-)

Counsel for the Petitioners :Sri P Sridhar Reddy

Counsel for the Respondent Nos 1 to 3:GP FOR REVENUE

Counsel for the Respondent No.4: GP for Stamps and Registration

Counsel for the Respondent Nos 5 & 6: Sri Arifullah, Standing Counsel

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to direct the 4th respondent to entertain the gift deeds and settlement deeds that may be executed by the petitioners herein in respect of the house property bearing House No.16/2/235/A, Gandhi Nagar, Nellore city-524001 constructed in an extent of 29 akanams and 3 Sft. in CAS No.257/1 of Nellore Bit-I [R], Nellore City, SPSR Nellore District and register the same, pending disposal of WP No. 17807 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

The petitioners claim to be in possession of the subject property by virtue of registered sale deeds, settlement deeds and/or by inheritance.

Learned counsel for the petitioners submits that the subject property involved in this writ petition is one of the schedule property in OS.No.18 of 1974 on the file of the District Court, Nellore, filed by the 5th respondent herein and that in view of the

compromise decree, dated 23.04.1977, between the Waqf Board and the defendants therein, who are the predecessors in interest of the petitioners herein, the Waqf Board cannot object for registration of gift deeds and/or settlement deeds by the petitioners herein in respect of the property covered by the above compromise decree. The communication of the 6th respondent-the Inspector Auditor of Waqf vide RC.No.IAW/7.NLR/2009, dated 28.04.2016 to the 4th respondent to keep the subject property land measuring Ac.9.05 cents and Ac.0.24 cents comprised in Sy.No.257/1 and 257/2 of Nellore Bit-I (R) in prohibited properties list is contrary to the compromise decree, dated 23.04.1977, passed in OS.No.18 of 1974 by the Principal District Court, Nellore and contrary to the provision of Section 22-A of the Registration Act, 1908. Hence, it is not binding on the 4th respondent and consequently refusal of the registration of the gift deeds and settlement deeds in respect of the subject land is illegal and arbitrary.

Having regard to the facts and circumstances of the case, submissions of learned counsel and on perusal of the material record, this Court is *prima facie* satisfied that the petitioners have shown sufficient cause for granting an interim order.

Accordingly, there shall be interim direction as prayed for.

//TRUE COPY//

Sd/- A. SURYA PRAKASH RAO
DEPUTY REGISTRAR

SECTION OFFICER,

To,

1. The Prl. Secretary, Revenue Department, State of A.P., AP Secretariat, Velagapudi, Guntur District.
 2. The District Collector, SPSR Nellore District Achari Street, Nellore City-524001
 3. The Tahasildar, Nellore Urban Mandal, Railway Feeder's Road Nellore City.
 4. The District Registrar, District Registrar's Office, Near A.C. Subbareddy Vegetable Market, Nellore city -524003 SPSR Nellore District
 5. The Chief Executive Officer, A.P. State Wakf Board, 4th Floor, ImdadGhar Complex, Kaleswar Rao Market, Vijayawada-520 001
 6. The Inspector Auditor of Waqf, AP State Waqf Board, Near EHS Office, Podalakur Road, Nellore City, SPSR Nellore District.
- (Addressee Nos 1 to 6 by RPAD)**
7. Two CCs to GP for Revenue, High Court of A.P, at Amaravati (OUT)
 8. Two CCs to GP for Stamps and Registration, High Court of A.P., at Amaravati (OUT)
 9. Two CCs to Sri Arifullah, Standing Counsel (OPUC)
 10. One CC to Sri P. Sridhar Reddy, Advocate (OPUC)
 11. One spare copy

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HIGH COURT

MGR,J

DATED:03/11/2020

ORDER

IA. No. 1 of 2020

IN

WP.No.17807 of 2020

INTERIM DIRECTION

