

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE D RAMESH



IA No. 1 OF 2022
IN
WP NO: 25472 OF 2022

Between:

1. Maganti Subrahmanya Chowdary, S/o M.Mallikarjuna Rao, Aged about 66 years Occ. Doctor, R/o Plot No.5-6, Door.No 59-8-7, Vasudha Apartments, Gayathri Nagar, Vijayawada.
2. Maganti Adarsh, S/o M.Subrahmanya Chowdary, Aged about 42 years Occ. Business, R/o Plot No.5-6, Door.No 59-8-7, Vasudha Apartments, Gayathri Nagar, Vijayawada.
3. Maganti Anoohya, W/o V.Sarosh, Aged about 36 years, Occ. Business, R/o Plot No.5-6, Door.No 59-8-7, Vasudha Apartments, Gayathri Nagar, Vijayawada.

... Petitioners

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary (Stamps and Registration), Secretariat, Amaravati, Andhra Pradesh.
2. The Inspector-General of Registration and Stamps, Off. Door No.5-59, R.K.Spring Valley Apartments, Edupugallu, Kankipadu Mandal, Vijayawada 521 151.
3. The District Registrar,, Off. District Registrar of Assurances Stamps and Registration Department, Guntur 522 660.
4. The Sub-Registrar, Mangalagiri, Near Police Station, Guntur 522 660.
5. The Joint Sub-Registrar, Mangalagiri, Near Police Station, Guntur 522 660.
6. M/s Manjeera Constructions Limited., A Company incorporated under the Companies Act, 2013 Manjeera Trinity Corporate, JNTU Hitech City Road, Kukatpally Hyderabad 500 072, Represented by its Managing Director, G.Yoganand, S/o Late G Chennakesavulu, Aged about 61 years, R/o Plot No.18, Ashwini Heights, Road No -70. Jubilee Hills Hyderabad 500 033.
7. N.B.Kavayashree,, W/o N.Bharath Guptat ,Aged about 35 years, Occ. Government Service, R/o Door No.48-13-19/2, 3rd Floor, Sri Sal Enclave, Opp .Krishna Godavari Apts., Ramachandra Nagar, Vijayawada.

.... Respondents

Counsel for the Petitioner : Sri M R K CHAKRAVARTHY

Counsel for the Respondent Nos. 1 to 5:GP FOR REGISTRATION AND STAMPS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Authorities not to entertain registrations of any documents executed by the Sixth Respondent in respect of "Manjeera Monarch Apartments" situated in land-measuring 24,006 Sq.yds in RS.No.399 and 399/1 at Atmakuru Village, Magalagiri Mandal, Guntur District and to direct the First Respondent to forthwith initiate disciplinary action against Respondent Nos.2 to 5 Pending disposal of WP No. 25472 of 2022, 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). The Court made the following

ORDER:

"Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

The contention of the petitioners is that based on the appeal filed by the respondents, the 2nd respondent has issued notice on 02.02.2022 in P-149/2020 with regard to unregistered supplementary agreement dated 13.11.2018 in appeal filed against the orders of the District Registrar, Guntur. After receipt of the said notice, the petitioners have submitted their explanation on 27.07.2022. Without considering the said objection now surprisingly, the 2nd respondent has passed an order on 12.07.2022 vide Memo. No. CCA1/5378/2020 directing District Registrar, Guntur to impound the unregistered supplementary agreement for sharing of built up area dated 27.02.2017 under Section 33 of the Indian Stamp Act, 1899.

Learned counsel for the petitioners further brought to the notice of this Court that the very notice was issued earlier by the 2nd respondent on 02.02.2022 is with regard to supplementary agreement dated 13.11.2018. But, the orders passed by the 2nd respondent in the very same appeal P.No. 149 of 2020 is with regard to agreement dated 27.02.2017. The said orders are without notice to the petitioners.

Learned counsel for the petitioners also brought to the notice of this court about pendency of various writ petitions pending between the parties. In fact, as against the confirmation of the refusal orders by the District Registrar, Guntur, the petitioners have approached this Hon'ble Court and filed number of writ petitions and they are pending for consideration. Apart from that, they have also filed a writ petition No. 24859 of 2020. It is also brought to the notice of this court that in one of the matters, this court has passed an interim order on 06.01.2021 suspending the rejection orders and directing the District Registrar to accept the supplementary agreement dated 13.11.2018 for the purpose of impounding and validation by collecting the stamp duty payable on the documents. As against the petitioners herein preferred an intra court appeal in WA. No. 49 of 2021. The Division Bench of this Hon'ble Court has allowed the appeal on 13.08.2021 by setting aside interim orders.

Learned counsel for the petitioners also submitted that the respondents are not able to get the orders from the court and the writ petitions are pending for final adjudication and indirect way, the 2nd respondent to considered the appeal and passed the impugned order which is contrary to the observations of the Hon'ble Division Bench orders.

In view of the above submissions and on a perusal of the orders of the Hon'ble Court as well as the notice dated 02.02.2022 and impugned orders dated 12.07.2022, I.A. No.1 of 2022 is allowed. "

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Sd/-M.RAMESH BABU
DEPUTY REGISTRAR

For SECTION OFFICER

To,

1. The Principal Secretary (Stamps and Registration), Secretariat, State of Andhra Pradesh, Amaravati, Andhra Pradesh.
2. The Inspector-General of Registration and Stamps, Off. Door No.5-59, R.K.Spring Valley Apartments, Edupugallu, Kankipadu Mandal, Vijayawada 521 151.
3. The District Registrar, Off. District Registrar of Assurances Stamps and Registration Department, Guntur 522 660.
4. The Sub-Registrar, Mangalagiri, Near Police Station, Guntur 522 660.
5. The Joint Sub-Registrar, Mangalagiri, Near Police Station, Guntur 522 660.
6. The Managing Director, M/s Manjeera Constructions Limited., A Company incorporated under the Companies Act, 2013 Manjeera Trinity Corporate, JNTU Hitech City Road, Kukatpally Hyderabad 500 072, G.Yoganand, S/o Late G Chennakesavulu, R/o Plot No.18, Ashwini Heights, Road No -70. Jubilee Hills Hyderabad 500 033.
7. N.B.Kavayashree, W/o N.Bharath Guptat, Occ. Government Service, R/o Door No.48-13-19/2, 3rd Floor, Sri Sal Enclave, Opp .Krishna Godavari Apts., Ramachandra Nagar, Vijayawada. (1 to 7 by RPAD- along with a copy of petition and memorandum of grounds)
8. One CC to SRI. M R K CHAKRAVARTHY Advocate [OPUC]
9. Two CCs to GP FOR REGISTRATION AND STAMPS (AP) ,High Court Of Andhra Pradesh. [OUT]
10. **One spare copy**

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HIGH COURT

DRJ

DATED:12/08/2022

POST THIS CASE AFTER FOUR WEEKS.

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DIRECTION

