

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE NINALA JAYASURYA

I.A.NO.2 OF 2021 in/and W.A. No.49 of 2021

(Through video conferencing)

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.

... Appellant

Versus

M/s Manjeera Constructions Limited,
711, 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, and others.

...Respondents

Counsel for the Appellant : Mr. G. Ramakrishna Prasad
For Mr. M.R.K. Chakravarthy

Counsel for respondent No.1 : Mr. B. Narayana Reddy

Counsel for respondent Nos.2 to 4 : GP for Stamps & Registration

Counsel for respondent No.5 : Mr. S. Lakshminarayana Reddy

JUDGMENT (ORAL)

Dt:13.08.2021

(per Arup Kumar Goswami, CJ)

Heard Mr. G. Ramakrishna Prasad, learned counsel representing
Mr. M.R.K. Chakravarthy, learned counsel for the appellant. Also heard

Mr. B. Narayana Reddy, learned counsel appearing for respondent No.1, learned Government Pleader for Stamps and Registration appearing for respondent Nos.2 to 4 and Mr. S. Lakshminarayana Reddy, learned counsel appearing for respondent No.5.

2. This writ appeal is preferred assailing the interim order dated 06.01.2021 passed by learned single Judge in I.A.No.1 of 2020 in W.P.No.24859 of 2020.

3. The 1st respondent-writ petitioner filed I.A.No.2 of 2021 for vacating the interim order passed by this Court on 03.02.2021, by which the order under challenge was suspended by this Court on the ground that, *prima facie*, the interim order passed by the learned single Judge is in tune with the final relief prayed for by the writ petitioner.

4. We have heard the learned counsel for the parties and perused the materials on record.

5. The writ petition was filed with the following relief:

"....to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the Respondent No.3 in refusing to validate the impounded unregistered Supplementary Agreement dated 13.11.2018, by collecting the deficit stamp duty, by way of letter No. G2/377/2020, dated 14.09.2020, as illegal, arbitrary and violative of Article 14, 19 and 300 A of the Constitution of India and consequently direct the Respondent No.3 to validate the impounded document by collecting the necessary stamp duty in accordance with the

provisions of Indian Stamps Act 1899 and pass such other order or orders as deem fit and proper in the circumstances of the case."

6. The interim prayer made by the petitioner by filing I.A.No.1 of 2020 in the writ petition is as follows:

".. to suspend the letter, dated 14.09.2020 and also direct the respondent No.3 herein to accept the Supplementary Agreement dated 13.11.2018, for the purposes of impounding and validation by collecting the stamp duty payable on the document, pending disposal of W.P.No.24859 of 2020 on the file of the High Court."

7. The order under challenge reads as follows:

"Learned Counsel for the petitioner states that the 3^d respondent is refused to validate the impugned unregistered Supplementary Agreement dated 13.11.2018 by collecting the deficit stamp duty vide letter No.G2/377/2020 dated 14.09.2020 is illegal, arbitrary.

The learned counsel for petitioner placed reliance on the decision of the Hon'ble Apex Court reported in 2008(3) ALD-P.56.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel and following the decision of the Hon'ble Apex Court reported in 2008(3) ALD-P.56, this court prima facie satisfied that the petitioner has shown sufficient cause for grant of interim prayer.

Accordingly, there shall be interim direction as prayed for.”

8. On perusal of the aforesaid order, we are of the opinion that the interim order passed by the learned single Judge has resulted in granting the final relief prayed for in the writ petition, and therefore, the same cannot be sustained in law.

9. In that view of the matter, the order dated 06.01.2021 passed by the learned single Judge in I.A.No.1 of 2020 in W.P.No.24859 of 2020 is set aside.

10. Registry will list the writ petition before the learned single Judge having roster on 06.09.2021. In the meantime, the parties may exchange affidavit(s) in the writ petition.

11. Accordingly, the writ appeal is allowed with the aforesaid directions. No costs. Resultantly, I.A.No.2 of 2021 and pending miscellaneous petitions, if any, shall stand closed.

ARUP KUMAR GOSWAMI, CJ

NINALA JAYASURYA, J

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