

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.1735 of 2013

Date:30.12.2013

Between:

Kishan Rao

... Petitioner

And

Sri Seetharam,
Sub-Registrar,
Stamp & Registration Dept.,
Gadwal, Mahabubnagar District,
And another.

... Respondents

Counsel for the Petitioner : Mr. P.Laxma
Reddy

Counsel for the Respondents : AGP for Revenue

The Court made the following:

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ORDER:

This Contempt Case is filed alleging wilful disobedience of order, dated 01.04.2013, in C.C.No.421 of 2013.

The petitioner has filed a writ petition, which was treated as a contempt case suo-moto by this Court, and the same was assigned C.C.No.421 of 2013 for the reason that in **Raavi Satish vs. State of Andhra Pradesh and others**^[1], this Court has held that the Registering authority cannot refuse to receive the sale deed for registration and that if the authority has any reason to refuse registration, it shall pass an appropriate order under Section 71 of the Registration Act, 1908. As this procedure was not followed, this Court has converted the writ petition into a contempt case. The contempt case was disposed of by this Court by order dated 01.04.2013 on the assurance given by the Sub-Registrar in the Court to the effect that he has prepared a valuation report and kept the same ready to be given to the petitioner and that if and when the petitioner approaches, he will register the document. The present contempt case is filed alleging that the undertaking given by the Sub-Registrar in C.C.No.421 of 2013 has not been complied with.

The 1st respondent has filed a counter affidavit, which has not been placed by the Registry before the Court. However, this Court has perused the copy of the counter affidavit furnished by the counsel for the parties. It is stated in the counter affidavit that the 1st respondent has succeeded to the previous Sub-Registrar, who appeared before this Court and gave assurance that he will register the document, that

on verification of the document and the record, he came to know that Sy.No.777 is notified as a wakf property in the District Gazette by the Andhra Pradesh Wakf Board and that therefore the document is kept pending for registration.

Mr. P.Laxma Reddy, learned counsel for the petitioner, has stated that the land of the petitioner has been sub-divided as Sy.No.777/AA and that, therefore, the said Gazette notification does not cover the said land.

The issue in this contempt case is whether the respondents have caused deliberate violation of the order of this Court or not. This Court in **Raavi Satish** (supra) held that if the land belongs to any religious institution, the Registering authority shall not refuse to receive the document, but it shall pass appropriate order refusing to register the document, if it is satisfied that the land cannot be registered.

Learned Assistant Government Pleader for Revenue submitted that since the document is kept pending for registration, it could not be returned with the rejection order.

In these facts and circumstances of the case, this Court is of the opinion that the respondents have not committed wilful violation of the order of this Court.

Learned counsel for the petitioner submitted that since the purchaser has backed out of the transaction, the 1st respondent may be

directed to return the document to the petitioner.

Having regard to this request, the 1st respondent is directed to return the document to the petitioner.

Subject to the above direction, the Contempt Case is closed.

C.V.NAGARJUNA REDDY, J

30.12. 2013
v v

[\[1\]](#) 2013 (2) ALD 1