

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.21606 of 2015

&

WPMP.No.28928 of 2015

BETWEEN

M/s. Sri Bajrang Jute Mills Private Limited.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

**Counsel for the Petitioner: MR. D. PRAKASH REDDY
for MR. HARENDER PERSHAD**

Counsel for the Respondents: GP FOR REVENUE (AP)

The Court made the following:

-
-
-

ORDER:

Petitioner questions the intimation of refusal dated 15.06.2015 passed by the fourth respondent herein.

2. Learned senior counsel appearing for the petitioner submits that the aforesaid order of refusal is firstly in the teeth of the orders of this Court in WP.No.15679 of 2015 dated 12.06.2015 and the directions therein are not being complied with, though the said order of this Court is passed after hearing the learned Government Pleader representing the respondents and in their presence. Learned senior counsel also submits, based on the averments in the affidavit that as per the news item published in various newspapers and the minutes of the meeting under the Chairmanship of the District Collector,

a collective decision was taken, which includes participation by the District Registrar, Sub-Registrar as well as other officers, trade union leaders etc. Learned senior counsel, therefore, states that the said order of refusal is a result of the aforesaid deliberations and as such, no useful purpose would be served by filing an appeal before the District Registrar against the impugned refusal.

3. In addition to the above, learned senior counsel relies upon the proceedings of the fourth respondent dated 02.06.2015 wherein he called for certain information from the petitioner relating to the pending document No.P499/2015 and the need for inspecting the area under agreement and assessing the value thereof. In response to the said notice, petitioner is stated to have filed a reply dated 10.06.2015 inviting the fourth respondent to inspect the premises covered by the development agreement and to inform if any further deficit stamp duty is payable and arrange for inspection. However, there is no further communication received from the fourth respondent.

4. Learned Government Pleader, who had taken notice, has filed a counter affidavit of the fourth respondent in support of the impugned order

wherein, *inter alia*, it is stated that the refusal was justified and is in terms with the Rules under the Registration Act, as the proposed built up area is required to be assessed correctly for the purpose of stamp duty, as huge amount of stamp duty and registration fee is involved but the inspection of the premises was not allowed, hence, the same was reported to the District Registrar. It is also stated that when the fourth respondent wanted to enter the premises, the workers of the mill have resisted the fourth respondent and have not allowed him to enter the premises. A reference to the aforesaid order of this Court is made in paras 7 and 8 of the counter affidavit but regarding compliance of the said order, nothing is stated in the counter affidavit and except stating that an appeal lies to the District Registrar against the impugned refusal, various other allegations made by the petitioner, as briefly referred to above, are not contraverted.

5. On behalf of the workers union of the mill, WPMP.No.28928 of 2015 is filed seeking impleadment of the petitioner therein as respondent No.5. It is stated in the affidavit filed in support of the said application that as per the orders of the BIFR and the sanction scheme, the workers have 40% share and the management has 60% share in the said mill and the workers dues are liable to be payable.

It is also stated that the development agreement, which is subject matter of registration, is malafide and malicious and is invented to defeat the claims of the workers and that the lockout declared by the management of the mill was not lifted even after the Government issued G.O.Rt.No.402 dated 06.07.2015, hence, they seek to object to the registration of the document presented by the petitioner mill in favour of the developer.

6. I have heard the learned counsel, appearing for the proposed party respondent No.5 at length, who reiterates his submissions in support of the above averments in the affidavit.

7. Firstly, I am unable to see the relevance of the workers union to

oppose to or participate in the process of registration of a document between the petitioner and its developer. If there are dues payable to the workers, they are at liberty to explore all their remedies available under law but so far as the Registration Act and Stamp Act dealing with the registration of document is concerned, I do not see that they have any locus to object. However, the same ground forming part of one of the reasons for refusal mentioned by the Sub-Registrar under item 4 is liable to be ignored as the registration cannot be controlled by the Joint Commissioner of Labour by giving directions to the Sub-Registrar.

8. So far as other objections are concerned, they have to be factually examined by the Sub-Registrar and after notice to the petitioner, the Sub-Registrar can satisfy himself with regard to the compliance under Rule 151 and Sections 21 and 22 of the Registration Act. In fact, notice given by the Joint Sub-Registrar dated 02.06.2015 was only for requirement of inspection for the purpose of assessing the value of the structures. Though the petitioner has offered the Registrar and welcomed him to make an appropriate inspection immediately and offered to arrange the site inspection under reply dated 10.06.2015, the Joint Sub-Registrar has not acted upon but has proceeded to pass the impugned refusal intimation without reference to his own notice. Even the order of this Court specifically records the objections of the registering authority that they wanted to verify the description of the schedule property and to make appropriate assessment of market value and for that purpose, the document is stated to be kept pending. This Court, therefore, recorded as follows and gave directions as under:

“In the light of the aforestated facts, it is clear that the document has been kept pending registration for want of certain details which are to be gathered by the registration authorities. As the petitioner-company is prepared to allow inspection of the premises covered by the subject document and also submit to the assessment of stamp duty payable on the document, the Sub-Registrar, Nallapadu, shall take necessary steps to complete the registration formalities and thereafter release the subject document in accordance with due procedure. This exercise shall be completed within two weeks from

the date of receipt of a copy of this order.”

9. Though the said order is passed on 12.06.2015 after hearing and in the presence of the learned Government Pleader representing the respondents, the present impugned refusal order is passed on 15.06.2015 in complete ignorance of the directions of this court referred to above. It is trite that the directions of this Court must be implemented and the registration authorities cannot ignore the order and pass a refusal order on altogether different grounds.

10. For the reasons aforesaid, the impugned order is set aside and the matter is remitted back to the fourth respondent, who shall independently examine the matter and give effect to the order this Court, extracted above. The fourth respondent shall be free to call upon the petitioner to arrange for inspection of the property covered by the document and then inspect the premises, satisfy himself of the description and the value of the property and if there is any deficit stamp duty payable by the petitioner, give an appropriate notice to the petitioner to pay the same. The fourth respondent is also at liberty to seek clarification from the petitioner with regard to the compliance under Rule 151 and Sections 21 and 22 of the Registration Act and thereafter, process the document and take appropriate further steps in accordance with law.

11. Though in my view, the proposed party respondent No.5 representing the workers union is not a necessary party, since the counsel appearing on their behalf has been heard and his submissions have been considered, they are treated as proper party, the implead petition is ordered.

In the result, the writ petition is allowed and WPMP.No.28928 of 2015 is ordered. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 20, 2015

Note: Furnish C.C. of the order by 23.07.2015.

(**B/o**) DSK