

HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.4595, 4599, 4632 & 4659 OF 2015

COMMON ORDER:

The petitioners are aggrieved by the individual refusal orders dated 19.02.2015 passed by the Joint Sub- Registrar-5, Darsi, Prakasam District, denying registration of the sale deeds presented by them relating to the lands in Sy.Nos.212/3, 209/1, 211/1 and 215/1 of Badapuram Village, Donakonda Mandal, Prakasam District.

The impugned orders reflect two grounds for denying registration of the subject documents. The first ground pertains to an order passed by the High Court of Madras in Contempt Petition No.1205 of 2010 on 15.03.2011. The second ground is to the effect that the survey numbers pertaining to the subject matter are included in the prohibitory list maintained under Section 22-A of the Registration Act as PABC land.

Insofar as the first ground is concerned, this Court had occasion to consider the Memo dated 01.12.2011 issued by the Inspector General and Commissioner of Registration and Stamps, Andhra Pradesh, pursuant to the order passed by the Madras High Court in Contempt Petition No.1205 of 2010, in W.P.No.34689 of 2012, W.P.No.7148 of 2013 and W.P.No.13573. Those writ petitions were disposed of holding that the Registration Authorities, unless restrained by a Court of competent jurisdiction through an injunction against alienation/ transfer of the properties in respect of which a document was sought to be registered, could not refuse registration on the ground of pending litigation. The Registration Authorities were, therefore, directed to receive and register the documents presented by the petitioners therein subject to the documents being in accordance with the provisions of law. The first ground cited by the Joint Sub-Registrar-5, Darsi, in the refusal orders dated 19.02.2015, therefore, does not hold water.

Insofar as the second ground is concerned, Sri Vedula Srinivas, learned counsel for the petitioners, contends that unless and until the property comes under one circumstance or the other of Section 22-A of the Registration Act, the inclusion is unauthorised and illegal. The written instructions dated 03.03.2015 of the Joint Sub-Registrar are clear on the manner of inclusion of these survey numbers in the prohibitory list. The reply of respondents is unsustainable and the second ground

cited by the Joint Sub-Registrar-5, Darsi does not survive.

The writ petitions are, accordingly, allowed setting aside the individual refusal orders dated 19.02.2015. There shall be consequential direction to the Joint Sub-Registrar-5, Darsi, to receive and process the documents presented by the petitioners in respect of the subject lands without reference to the order dated 15.03.2011 of the High Court of Madras in Contempt Petition No.1205 of 2010. In the event the documents presented are found to fulfill the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar-5, Darsi, shall complete the registration formalities and release the documents in accordance with the due procedure. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V. BHATT, J

04th March, 2015

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