

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.21365 OF 2014

ORDER:

The subject matter of the writ petition is bearing No.1-17 with ground floor plus two floors in Sy.No.115/1/AA in an extent of 192 Sq. yards at Sathupalli Mandal, Sathupalli Nagar Panchayat, Sathupalli Mandal, Khammam District.

The petitioner complains against the inaction of respondents in discharging the statutory duties under the Registration Act, as illegal and arbitrary. This Court need not go into the case of petitioner and the circumstances in which she has got a sale deed executed on 15.07.2014. The grievance of the petitioner is that when the said sale deed is presented for registration, the 1st respondent refuses even to register the document and the same amounts to illegal exercise of duty vested in him.

The 1st respondent has filed counter-affidavit and the reply of 1st respondent for not receiving the document presented for registration is that the competent civil Court in I.A.No.53 of 2014 in O.S.No.18 of 2014 has attached the subject matter of the writ petition. In view of the attachment, the registration is not entertained. The 1st respondent refers to Section 22-A of the Registration Act and contends that the attachment attracts one or the other circumstances referred to in Section 22-A of the Registration Act.

At the time of hearing, the learned Government Pleader fairly states that the attachment of immoveable property does not amount to injunction from competent Civil Court not to alienate the property. Had it been a case where the parties to the document are restrained by way of injunction by a competent Civil Court and such injunction is brought to the notice of the Sub-Registrar, the Sub-Registrar is justified in not entertaining the document for registration. The attachment even if assumed to be in force, the

petitioner, being the vendee, takes the property subject to such obligations as are stipulated in law. The objections of respondents are untenable.

For the above reasons, the 1st respondent is directed to receive and consider the document presented by petitioner for registration in accordance with the provisions of the Registration Act and the Stamp Act and register the same, without reference to attachment in I.A.No.53 of 2014.

The writ petition is, accordingly, ordered. There shall be no order as to costs.

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

S.V.BHATT, J

20th March, 2015

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