

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 17558 of 2015

Date: 18.06.2015

Between:

Mulla Mahaboob Basha,
Prakasam District.

.... Petitioner

And

The Commissioner and Inspector General of
Registration and Stamps, Govt. of Andhra Pradesh,
Registration Bhavan, M.J.Market,
Hyderabad and two others.

... Respondents

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ORDER:

The petitioner is aggrieved by the Memo dated 01.12.2011 issued by the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh,

whereby the Registering Authorities in the State were directed to implement the interim injunction order granted by the High Court of Madras in respect of certain alleged church properties. The petitioner claims that on the basis of this Memo, the document presented by him for registration in connection with his land in Survey No.190/2, Podili Village and Mandal, Markapuram Revenue Division, Prakasam District, was not being received and registered.

The issue is no longer *res integra* . In W.P.No.34689 of 2012 which was disposed of on 12.12.2012, this Court dealt with the impugned Memo dated 01.12.2011. The Madras High Court had passed certain orders in a contempt case which are now taken to be the basis for restraining the Registering Authorities. Taking note of the order passed by the Madras High Court, this Court observed that unless a Court of competent jurisdiction grants an injunction against the alienation of the properties in respect of which documents were presented for registration, the Registering Authorities could not refuse registration of the same. The writ petition was accordingly disposed of directing the Registering Authority concerned to receive and register the documents in accordance with law.

For reasons alike as were stated in the said order, this writ petition is disposed of directing the Sub-Registrar, Podili, Prakasam District, to receive and register document that may be presented by the petitioner in respect of his land in Survey No.190/2, Podili Village & Mandal, Markapuram Revenue Division, Prakasam District, subject to the document being in accordance with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899. Unless there is an order of injunction against the alienation of such properties or restraining the Sub Registrar, Podili, from registering documents in connection therewith, such order of injunction having been passed by a Court of competent jurisdiction, it would not be open to the Sub-Registrar, Podili, Prakasam District, to refuse registration.

Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 18.06.2015

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