

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

Writ Petition No.29318 of 2015

ORDER:

Heard.

The petitioner seeks a Mandamus against the Sub-Registrar, Punganur, the 2nd respondent herein, on the ground that in spite of pendency of O.S.No.172 of 2009 on the file of the Junior Civil Judge, Punganur, Chittoor District and issuance of legal notice on 11.11.2013, the latter is continuing to receive and register the documents presented by third parties relating to the land claimed by the petitioner.

The case of the petitioner is that he purchased the land through Court auction on 06.06.1975 and possession was also delivered to him through Court and is holding pattadar pass books and title deeds. It is stated that the suit in O.S.No.178 of 1997 filed by his mother for partition and separate possession was decreed and the same became final. According to him, when there was interference by the defendants in the partition suit, he filed O.S.No.172 of 2009 before the Junior Civil Judge, Punganur, for permanent injunction and obtained an order of temporary injunction dated 23.06.2009, restraining interference with his possession. Since the said suit is pending and as there is an order of temporary injunction in his favour, the petitioner seeks that the Sub-Registrar cannot receive and register the documents presented by third parties relating to the very same land claimed by him.

This Court is unable to see as to how the Sub-Registrar is bound by the assertions of the petitioner, and in the said suits, obviously, the Sub-Registrar is not a party, nor there is any order restraining alienation of any of the properties. Therefore, mere order of temporary injunction said to have been passed in favour of the petitioner restraining interference, would not amount to a restraint on the 2nd respondent from entertaining the document. It is well settled that when a person presents a document duly complying with the requirements of the Indian Stamp Act and the Registration Act, the registration authorities are bound to entertain the

same and cannot refuse merely because a legal notice is issued by one of the parties.

The writ petition is therefore has no merit and it is accordingly dismissed. However, it is open for the petitioner to seek appropriate orders from the competent civil Court seeking restraint on the alienation and only if such order is produced before the 2nd respondent, he will act accordingly. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 11-09-2015

GJ

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