

***THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR***

**WRIT PETITION No.33733 OF 2015**

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**ORDER:**

Heard learned Senior Counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner claims to hold a General Power of Attorney for the Company, namely, M/s. JVG Finance Limited under an agreement of sale, dated 06.05.1997, validated by the District Registrar, Stamps and Registration Department, Ranga Reddy District, the 2<sup>nd</sup> respondent, vide Document No.4791/AR/06, dated 23.05.2006. The petitioner states that when the document of conveyance relating to Survey No.189/P covered under the agreement of sale was sought to be presented before the Sub-Registrar, Moosapet X Roads, Ranga Reddy District, the 3<sup>rd</sup> respondent, he declined to receive and process the same.

Learned Senior Counsel for the petitioner states that against the said vendor Company, liquidation proceedings are pending. The High Court of Delhi passed an order, dated 10.03.2006 in C.A.No.1171 of 2003 in C.P.No.265 of 1998 attaching the properties of the vendors. However, learned Senior Counsel submits that the said order has put a restraint on any sale or purchase of fresh transactions only and this was also further clarified by the Official Liquidator of the said Court in the clarification issued in his letter, dated 11.12.2007, addressed to the Joint Collector, Office of the Collector, Ranga Reddy District, which, in turn, is communicated to the District Registrar, Moosapet X Roads, Ranga Reddy District. Placing reliance on the said clarification it is contended that the petitioner's document is prior to 07.12.1997 and would not come under the aforesaid order, I, however, find that the restraint placed by the High Court of Delhi is relating to the properties of the said Company in Survey No.189 and whether the petitioner's property falls under the said survey number and

whether the restraint applies to the petitioner's property are all matters that have to be considered by the Registrar or Sub-Registrar concerned as and when the petitioner presents the document and even before presentation thereof, it cannot be said that the Sub-Registrar or the Registrar has refused to entertain the document.

The issue raised in this Writ Petition is squarely covered by the judgment of this Court in W.P.No.17809 of 2015 and batch, dated 26.06.2015.

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In view of the same, following the aforesaid judgment, this Writ Petition is also disposed of directing respondents 2 and 3 to receive and process the document presented by the petitioner in accordance with the Registration Act, 1908 and the Indian Stamp Act, 1899 and if the document is in conformity with the provisions of the aforesaid enactments, thereafter, register and release the document in accordance with the due procedure. It is also made clear that in the event of respondents 2 and 3 not being satisfied with the compliance under the Registration Act or the Indian Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the petitioner in terms of Section 71 of the Registration Act. There shall be no order as to costs.

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

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**VILAS V.AFZULPURKAR, J**

12.10.2015

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