

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.3105 OF 2015

ORDER:

The petitioner is aggrieved by the refusal orders dated 24.12.2014 passed by the Joint Sub- Registrar-8, Kanigiri, Prakasam District, denying registration to the sale deed presented by him relating to the property an extent of 242 sq. yards in Sy.No.435 of Kanigiri Village and Mandal, Prakasam District.

The impugned order reflects one ground for denying registration of the subject document. The ground pertains to an order passed by the High Court of Madras in Contempt Petition No.1205 of 2010 on 15.03.2011.

Insofar as the said 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 said ground cited by the Joint Sub-Registrar-8, Kanigiri, in the refusal orders dated 24.12.2014, therefore, does not hold water.

The writ petition is, accordingly, allowed setting aside the refusal order dated 24.12.2014. There shall be consequential direction to the Joint Sub-Registrar-8, Kanigiri, to receive and process the document presented by the petitioner in respect of the subject land 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 document presented is found to fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar-8, Kanigiri, shall complete the registration formalities and release the document 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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