

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1638 OF 2015

ORDER:

This Court disposed of the Writ Petition directing registration of the document presented by the petitioner, if the same is otherwise in order, and if the document cannot be registered, the Joint Sub-Registrar shall assign due reasons, pass an order and communicate the same to the petitioner.

2. Alleging that the order passed by this Court is not complied with, this Contempt Case is filed.

3. Learned counsel for the petitioner submits that a reading of the decision communicated to the petitioner would show that no injunction order was passed by any Court and therefore, there was no restraint on the Joint Sub-Registrar to register the document and merely because litigations are pending or some attachment orders are passed, the Joint Sub-Registrar (respondent No.1) cannot refuse to register the document presented by the petitioner. Learned counsel further submits that initially, internal correspondence, dated 07.01.2015, was communicated to the petitioner without any further decision by the Joint Sub-Registrar. The internal correspondence was actually served on the petitioner on 21.09.2015. The present endorsement refusing registration of the document was made on 24.06.2016. There is inordinate delay in taking the decision, since the

order was passed by this Court on 10.12.2014 granting two weeks' time. Learned counsel further submits that since the objection raised was not valid and contravene the instructions issued by the Commissioner and Inspector General of Registration and Stamps, dated 10.03.2010, a direction be issued to the respondents to register the document presented by the petitioner ignoring the earlier endorsement.

4. Learned Government Pleader submits that the incumbent Joint Sub-Registrar was under the impression that since civil litigations are pending and orders of attachment are passed, there is no need to formally communicate the decision and in view of the said *bona fide* mistake, he could not take a decision, but after due advise, he passed orders on 24.06.2016. Learned Government Pleader further submits that several civil litigations are pending and there were certain injunctions granted, though there is no injunction against registration. He further submits that since direction was issued only to pass orders by duly assigning reasons in support of the decision, it cannot be said that the decision is contrary to the directions issued by this Court.

5. As seen from the order passed in the Writ Petition, the first limb is to register the document, if the same is otherwise in order, and the second limb is discretion of the Joint Sub-Registrar to assign due reasons for refusing registration of the document for any valid reason. By assigning reasons, document was refused by endorsement, dated

24.06.2016. The correctness of the reasons assigned cannot be gone into in the Contempt Case. The petitioner has to independently workout his remedies against such decision.

6. As seen from the documents on record, though the order was passed by this Court on 10.12.2014, till September, 2015 there was no progress at all. In September, 2015, the internal communication between the Joint Sub-Registrar, Kadapa, and the Sub-Registrar, Lakkireddypalli, dated 07.01.2015, was simply communicated to the petitioner without any further endorsement. No reasons are assigned as to how such communication was sent to the party without due reasons. The Joint Sub-Registrar took another nine months' time to actually take a decision on the pending document. It is, thus, seen that there was inordinate delay in taking a decision. If there was any difficulty or inconvenience felt by the competent authority, it would have approached this Court by filing appropriate application, but it could not have kept quite assuming that it need not pass orders. It is assured and expected that the incumbent Joint Sub-Registrar would be careful in future and take prompt action in complying with the directions of this Court. Similarly, the District Registrar, being a party, ought to have properly guided the Joint Sub-Registrar to pass orders in accordance with the directions given by this Court and he could not be a spectator and allow the issue kept pending for almost two years.

7. Accordingly, the Contempt Case is closed. Miscellaneous Petitions, if any, pending in this Contempt Case, shall stand closed.

No costs.

P. NAVEEN RAO, J

August 26, 2016.
MD



