

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
WRIT PETITION No. 4219 of 2016

ORDER:

Heard learned counsel for the petitioner and the Government Pleader for Revenue appearing for respondent Nos.1 to 4.

The petitioner questions the order of the Sub-Registrar, Chintalapudi, West Godavari District, 4th respondent herein, dated 10.11.2015. He claims that an order of declaration was granted in his favour and against the 5th respondent under A.T.C.No.4 of 2014 on the file of the Judicial Magistrate of First Class, Chintalapudi, dated 20.03.2015. He relies upon the operative portion of the order in the said A.T.C., which is as follows:

"In the result, the petition is decreed in favour of the petitioner and against the respondent declaring him as a cultivating tenant of the petition schedule land and he has got a priority right to purchase the land as cultivating tenant in actual and continuous possession of the land till today. If the respondent intends to dispose the petition schedule property, it should be to the petitioner as he is willing to purchase the petition schedule land and further it is declared that if the respondent sells the petition schedule property to any 3rd party, that sale is invalid and finally permanent injunction is granted restraining the respondent, his men, agents, friends, followers, relatives and representatives from ever interfering with his peaceful possession and enjoyment as a cultivating tenant. No

costs.”

Based on the said order, he filed a protest petition before the 4th respondent not to entertain any registration by the 5th respondent. However, the 4th respondent, under the impugned order, informed the petitioner that such a request for stoppage of registration cannot be accepted and the petitioner was advised to approach the appropriate Court for necessary orders.

Learned counsel for the petitioner submits that the order in A.T.C. extracted above puts a restraint on alienation, and as such, under the Standing Order 219 of A.P. Registration Manual, the Registering Authority is bound to refuse registration, since it would violate the order in A.T.C. The relevant portion of the Standing Order 219 is as follows:

“If the A.P. High Court or any other Civil Court restrains a person from alienating a property and if such orders are brought to the notice of the Registering Officer or served on the Registering Officer, the Registering Officer is stopped from going ahead with the registration.”

Though I have heard learned counsel for the petitioner at length, I am unable to see any justification for entertaining the writ petition. The Standing Order

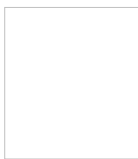
aforesaid merely mandates that the Registering Authority shall honour any orders of this Court or Civil Court that alienation of property is restrained. After examining the order in A.T.C., I do not find any restraint being put on alienation, and on the contrary, it proceeds to state that if there is a sale, the same shall be invalid. Therefore, I am unable to see how the said order amounts to restraint on alienation as sought to be contended by the counsel for the petitioner. Besides that, the Registration Act does not empower the Registering Authority to refuse registration on the objection by a third party, and if a document, in conformity with the Stamp Act and the Registration Act, is produced, the Registering Authority is bound to register it. Hence, I do not find any error in the impugned order passed by the 4th respondent.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

VILAS V. AFZULPURKAR, J

10th February, 2016
cbs



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