

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15839 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of respondent No.4 in non-considering the application, dated 06.04.2016, made by the petitioner in respect of Appeal Vide D/7808/2012 filed before the R.D.O, Karimnagar and suit O.S.No.12 of 2010 on the file of Principal Junior Civil Judge, Huzurabad, Karimnagar, as arbitrary and illegal and consequently, direct the respondents not to register any document seeking transfer of property whole or part in respect of property in survey No.149, admeasuring Ac.1-23 guntas, survey No.141/A admeasuring Ac.0-13 guntas and survey No.141/D admeasuring Ac.0-04 guntas, total admeasuring Ac.2-00 guntas dry land situated at Bommakal Village, Sivar of Saidpur Mandal, Karimnagar District.

2. The petitioner questioned the proceedings issued by the 4th respondent through which the 5th respondent is trying to create third party interest by way of transferring the property as illegal. The petitioner is the absolute owner and possessor of aforesaid property. He purchased the said property under a simple sale deed and his name was mutated in the revenue records. Since the 5th respondent, who is none other than his brother-in-law, is trying to interfere with his peaceful possession and enjoyment over the said property and obstructing him from cultivating the property, the petitioner filed suit O.S.No.12 of 2010 on the file of Principal Junior Civil Judge, Huzurabad, for perpetual injunction and the same is pending. It is further stated that the 5th respondent fabricated the documents duly forging the petitioner's signature and in view of the same the petitioner along with another approached the Revenue Divisional Officer and filed appeal vide D/7808/2012, dated 19.07.2012 and also

communicated the same to the 2nd respondent for necessary action. In spite of that the 5th respondent has created false document and trying to create third party interest by way of transferring property in the name of Benami persons. In view of the said acts of the 5th respondent, the petitioner approached the 4th respondent and made a representation on 06.04.2016. After receipt of the said representation, issued a reply informing the petitioner that his application cannot be considered as per the Registration Act and if there are any disputes with regard to the property in question, the petitioner has to approach the Civil Court.

The action of the 4th respondent in rejecting the application, dated 06.04.2016, pending suit and appeal in respect of the schedule property is in violation of principles of natural justice.

3. Learned counsel for the petitioner submits that when the 5th respondent is trying to forge the documents for transferring the property in the name of third parties, the petitioner has made application to the Revenue Divisional Officer, who without considering the same, rejected the application.

4. On the other hand, learned Government Pleader for Revenue submits that the Sub-Registrar has no right to decide the title and it is the petitioner to approach competent Court as advised by the 4th respondent.

5. Now it has to be seen that the Sub-Registrar cannot decide the question of title and if any title dispute is existing between the petitioner and the 5th respondent, the petitioner has to approach the Civil Court and obtain orders in respect of the same. In view of the above, I do not see any infirmity in the impugned order passed by the 4th respondent.

6. Accordingly, the Writ Petition is dismissed. There shall be no

order as to costs. Miscellaneous petitions, if any, pending in this Writ
Petition shall stand closed.

A.RAJASHEKER REDDY, J

JUNE 14, 2016
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Date: 14.06.2016

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