

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28940 of 2016

ORDER:

The case of the petitioner is that he is the owner of land to an extent of Ac.03-30 guntas in Sy.No.174/AA1 situated at Mancherial sivar, Mancherial Mandal, Adilabad District. The 5th respondent filed O.S.No.190 of 2004 on the file of Junior Civil Judge at Luxettipet seeking partition of joint family properties in Sy.No.174 admeasuring Ac.3-30 guntas, Sy.No.65/1 admeasuring Ac.4-24 guntas and Sy.No.28/1 admeasuring Ac.2-35 guntas situated at Mancherial Sivar. Initially, *status-quo* order was granted in I.A.No.371 of 2004. The Junior Civil Judge, Luxettipet transferred the suit in O.S.No.190 of 2004 on the point of jurisdiction to the Principal Junior Civil Judge's Court, Mancherial and the said suit was renumbered as O.S.No.693 of 2005. When one of the defendants filed I.A.No.49 of 2014 in O.S.No.693 of 2005 seeking rejection of plaint and the same was allowed by order dated 08-04-2015 and returned the plaint. As such, suit is deemed to have been rejected and the *status-quo* orders become in-operative in view of disposal of O.S.No.693 of 2005, which was renumbered after transfer. In spite of that the 4th respondent is not entertaining the document presented by the petitioner

and registering the same. It is also stated that the 4th respondent issued notice to the petitioner and to the 5th respondent to produce any orders granted by the Court. On that the petitioner has submitted representation to the 4th respondent on 31-05-2016 stating that the 5th respondent has not obtained any injunction order. But the 4th respondent has not acted upon on the same. Hence, the present writ petition.

Heard learned counsel for the petitioner.

In view of above facts and circumstances of the case, the 4th respondent has to consider the document presented by the petitioner for registration and pass orders if he wants to refuse registration, record reasons as envisaged under Section 71(2) of the Registration Act, otherwise register the same if no injunction order is operating in respect of subject lands by any competent Court, provided, the documents filed by the petitioner are in order as per provisions of Stamp Act and Registration Act.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

