

THE HON'BLE SRI JUSTICE A.RAJASEKHAR REDDY

W.P.NO.29451 OF 2016

ORDER

The case of the petitioners, as per the averments made in the writ affidavit, is that they i.e., petitioners 1 to 4, 6 and 7 purchased the plots admeasuring 240, 259.55, 243.33, 243.33, 240 and 483.33 sq. yards respectively in old ward No.2, T.S.No.1541, 1542, 1734 of Narasaraopet Municipal Limits for a valid consideration from American Baptist Foreign Society (ABFMS), through its Indian Specific Power Agent Mr.Thummala Madhava Rao and the said vendor executed individual sale deeds dated 23.8.2014 in favour of respective plots purchased by the petitioners. When the said documents were presented to the 4th respondent – Joint Sub Registrar – I, Registration Office, Narasaraopet, Guntur District under document Nos.140 to 146, he refused to register the same on the ground that injunction order in respect of the subject property granted by the High Court of Madras in Contempt Petition No.1205/2010 dated 15.3.2011 is subsisting. Aggrieved by the same, the petitioner preferred appeal before the 3rd respondent – District Registrar of Assurances, Narasaraopet, Registration District, Narasaraopet, Guntur District in Appeal Nos.1 to 7 of 2014 and they were dismissed by order dated 30.7.2016. The 2nd respondent – Commissioner and Inspector General of Registration and Stamps, Government of Andhra Pradesh, issued memo dated 1.12.2011 directing all the registering authorities in the State to

follow the injunction order granted by the High Court of Madras . Aggrieved by the action of the respondents in refusing to register the documents presented by the writ petitions in respect of subject lands, the present writ petition has been filed.

The learned counsel for the writ petitioners and the learned Assistant Government Pleader submitted that the subject matter in the writ petition is squarely covered by the order of this court dated 7.2.2013 in W.P.No.3714/2013. The operative portion of the said order is as under:

“Unless a Court of competent jurisdiction has granted injunction against alienation of the properties in respect of which documents are sought to be registered by the petitioners, respondent No.3 cannot refuse registration of the same. Respondent No.3 is, therefore, directed to receive and register the documents that may be presented by the petitioners, subject to the latter complying with the provisions of the Registration Act, 1908, and the Indian Stamp Act, 1899, unless there is an order of injunction against alienation of the properties in question by a Court of competent jurisdiction.”

The present writ petition is disposed of in terms of the above order of this court dated 7.2.2013 in W.P.No.3714/2013. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASEKHAR REDDY,J

DATE:31.08.2016

AVS

