

THE HON'BLE SRI JUSTICE A.RAJASEKHAR REDDY

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W.P.NO.24270 OF 2016

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ORDER

Heard the learned counsel for the petitioner, Government Pleader for Revenue for official respondents and the learned counsel for party respondents.

The case of the petitioner is that his father is the absolute owner of land admeasuring Acs.10.16 guntas in Sy.No.22/1 at Narayanakhed Village and Mandal, Medak District. During his life time, he divided the said land into plots and sold away to different purchasers. The petitioner has also purchased an extent of 7326 sq. sft or 814 sq. yards in Sy.No.22/1 under registered sale deed dated 2384/2014 dated 17.9.2014 from his father. The further case of the petitioner is that the unsold plots were settled among the family members. The sisters of the petitioner, who are present impleaded respondents, filed suit in O.S.No.127/2014 on the file of Principal District Judge, Medak at Sangareddy, for partition of property in Sy.No.22/1 and for allotment of 1/8th share. By order dated 9.9.2014 in I.A.No.1396/2014 in O.S.No.127/2014, the court directed to maintain status quo. The case of the petitioner is that the suit schedule property and the land purchased by him under the sale deed dated 17.9.2014 are different. Now the grievance of the petitioner is that when he presented the document before the 4th respondent – Joint Sub Registrar, to sell the subject

land, the same is not being registered on the ground that the civil court granted status quo order. As the subject property in the present writ petition and the suit schedule property are different, he seeks a direction to the 4th respondent to register the said document.

The learned counsel for the petitioner reiterating the above facts, submitted that though the 4th respondent – Joint Registrar received the document under P.No. 6/2015 dated 29.1.2015, is neither registering the document, nor passing any orders.

The learned Assistant Government Pleader, on instructions, submits that since there are status quo orders passed by the civil court in the suit filed by the impleaded respondents in relation to subject land, the document presented by the petitioner could not be registered.

Having regard to the above facts and circumstances and the submissions of the learned counsel, the writ petition is disposed of at the stage of admission, directing the 4th respondent – Joint Sub Registrar, to consider the registration of the document presented by the petitioner if the same is in order as per provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under. In case, if he intends to refuse to register the same, he shall pass orders under Section 71 of the Registration Act, 1908 recording reasons and communicate the same to the petitioner. While passing orders, the 4th respondent shall also take into account

injunction order passed by the civil court in I.A.No.1396/2014 in O.S.No.127/2014, to find out whether the subject land in the writ petition is covered by the said order and if he finds the same covers the subject land in writ petition, he shall refuse to register. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order, after issuing notice and opportunity to all the parties.

No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

22—08—2016