

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26259 OF 2006

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader.

The petitioners state that the first petitioner was the absolute owner and possessor of the property bearing Municipal Nos.17-3-438 and 439 situated at Yakutpura, Hyderabad, having purchased the same under registered sale deed, dated 25.04.1969. The second respondent is her sister-in-law. It is her case that the registered sale deed was got executed in her favour on 13.02.1981 in respect of the same property. In those circumstances, the first petitioner filed a suit for declaration being O.S.No.2244 of 1983 on the file of the V Assistant Judge, City Civil Court, Hyderabad to declare the registered document executed on 13.02.1981 as void. The said suit was decreed on 19.11.1983 and it has become final. Later on, the second respondent filed a suit for declaration of title in O.S.No.2808 of 1996 in respect of the same property and the said suit was dismissed, by order, dated 31.01.2006 by the Court of the III Additional Rent Controller-cum-XV Junior Civil Judge, Hyderabad. Against the said Judgment and decree, the second respondent preferred A.S.No.442 of 2005 and the same was also dismissed by Judgment, dated 20.02.2006, by the Court of the XII Additional Chief Judge, City Civil Court, Hyderabad. In those circumstances, the first petitioner submitted a representation to the first respondent on 14.08.2006 requesting the first respondent to make an entry in the records, but the first respondent issued a communication, dated 13.11.2006 informing the first petitioner that the Court alone shall send the orders/Judgment with a direction to the Registering Authority to make an entry in the concerned record/register regarding ineffectiveness of the registered document and at the instance

of the party, no entry can be made. Challenging the same, the present writ petition was filed.

A counter affidavit is filed stating that the communication, dated 13.11.2006 of the first respondent is in tune with Rule 118(a) of the Andhra Pradesh Rules made under the Registration Act, 1908.

A perusal of the Rule shows that the communication, dated 13.11.2006, is in consonance with the same and hence, this Court sees no ground to interfere with the said communication. However, the petitioners are given liberty to take appropriate steps in accordance with law.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

22.06.2017
pln

A.RAMALINGESWARA RAO, J

