

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOS.25997, 26045 & 26053 of 2017

Date: 04.08.2017

WP No.25996 of 2017:

Between:

Yelika Madhavi W/o Yelika Hari Babu, Aged about 36 years,
r/o Door No.9-686-6, Sai Nagar, Ward No.9, Kanigiri Post
and village, Prakasam district

.....Petitioner

and

State of Andhra Pradesh, rep.by its Principal Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Guntur District, Andhra Pradesh and
others.

.....Respondents



The Court made the following:

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COMMON ORDER:

The petitioners are aggrieved by the individual refusal orders dated 27.07.2015 passed by the Joint Sub-Registrar, Kanigiri, Prakasam District, denying registration of the sale deeds presented by them relating to the lands in Sy.No.472 of Kanigiri Village and Mandal, Prakasam district.

2. The impugned orders reflect reason for denying registration on the ground that Inspector General and Commissioner of Registration and Stamps, Andhra Pradesh, issued Memo dated 01.12.2011 informing the order passed by the High Court of Madras in Contempt Petition No.1205 of 2010 on 15.03.2011.

3. This Court had occasion to consider the Memo dated 01.12.2011 issued by the Inspector General and Commissioner of Registration and Stamps, Andhra Pradesh, pursuant to the order passed by the Madras High Court in Contempt Petition No.1205 of 2010, in W.P.No.34689 of 2012, W.P.No.7148 of 2013 and W.P.No.13573. Those writ petitions were disposed of holding that the Registration Authorities, unless restrained by a Court of competent jurisdiction through an injunction against alienation/transfer of the properties in respect of which a document was sought to be registered, could not refuse registration on the ground of pending litigation. The Registration Authorities were, therefore, directed to receive and register the documents presented by the petitioners therein subject to the documents being in accordance with the provisions of law. Thus reason assigned by the Joint Sub-Registrar,

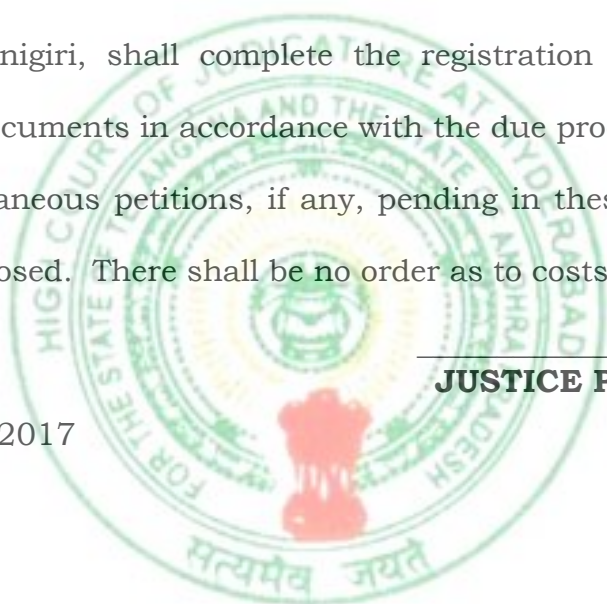
Kanigiri, in the refusal orders dated 27.07.2015, therefore, does not hold water.

4. The writ petitions are, accordingly, allowed setting aside the refusal orders dated 27.07.2015. There shall be consequential direction to the Joint Sub-Registrar, Kanigiri, to receive and process the documents presented by the petitioners in respect of the subject lands without reference to the order dated 15.03.2011 of the High Court of Madras in Contempt Petition No.1205 of 2010. In the event the documents presented are found to fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar, Kanigiri, shall complete the registration formalities and release the documents in accordance with the due procedure.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 04.08.2017
kkm



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