HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10184 of 2017

ORDER:

This writ petition is filed challenging the impugned proceedings dated 28.12.2016 wherein the 3rd respondent requested the 2nd respondent to furnish details of property owned by the Director of M/s.Hima Grishma Granites by initiating proceedings under TG Revenue Recovery Act for nonpayment of the arrears of VAT by the 1st petitioner who is the Managing Partner of M/s.Hima Grishma Granites. In the said impugned proceedings the 3rd respondent also requested the 2nd respondent to stop further registration of the subject properties as they fell in huge arrears to the Government.

Learned counsel for the petitioners submits that the 3rd respondent has no power to direct the Sub Registrar without there being any notification under Section 22-A(1)(e) of the Registration Act, 1908. He also submits that the extent of share of 1st petitioner is only 66.66 square yards out of the total extent of subject property and that the remaining petitioners are in no way concerned with the firm and they are neither partners nor guarantors nor surety holders, as such, the 3rd respondent cannot give such direction to stop registration of the entire extent.

Sri M.Govind Reddy, learned Counsel appearing for the 3rd respondent on instructions submits that the 3rd respondent is contemplating to withdraw the impugned notice to the extent of direction to the Sub Registrar to stop further registration of the subject property.

Heard learned Assistant Government Pleader for Revenue.

Section 22-A (1) (e) of the Registration Act, 1908 reads as follows;

> "**22-A Prohibition of Registration of certain documents:-**
> **(1) (e):** any documents or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interests."

A reading of the above provision goes to show that unless notification is issued, respondent No.3 has no power to issue directions to registration department to stop registration. Learned Standing Counsel could not place before this Court any such notification issued under Section 22-A(1)(e) of the Registration Act.

In view of the aforesaid facts and circumstances, the impugned notice to the extent of direction given to the Sub Registrar by the 3rd respondent to stop further registration of the subject property, is quashed. It is open for the petitioners to submit documents for registration in respect of subject property before the 2nd respondent and the 2nd respondent is directed to receive and register the documents presented by the petitioners for registration, if the same are in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder, and if the subject land is not included in the list of prohibited properties for registration as per Section 22-A of the Registration Act, 1908 or not prohibited for registration by any order/injunction/attachment passed by the Court or competent authority, without reference to the impugned order dated 28.12.2016, issued by the 3rd respondent.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.03.2017
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