

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15735 OF 2017

ORDER:

This writ petition is filed challenging the proceedings No.Refusal No.37/2014 dated 02.09.2014 passed by the 3rd respondent whereby the document presented by the petitioner was refused stating that the document affects property in Survey No.1630, 1631 and 1632 an extent of 250 Sq.Yards of Koduru Village; and that the property is covered by the injunction order passed by this Court in CRP.MP.No.1546 of 2012 in CRP No.1147 of 2012.

Learned counsel for the petitioner submits that petitioner is not a party to the said CRP, as such, the same is not binding and that in similar circumstances when registration was refused in respect of the property in Survey Nos.1630, 1631 and 1632, writ petition Nos.16596 of 2012 and 11430 of 2012 were filed and this Court allowed the said writ petitions holding an order of injunction would operate only against the party to the suit or other proceedings and it will not operate against the persons who are not parties to the said proceedings. The learned Single Judge further directed the Sub Registrar to process the document in accordance with law and release it in favour of the petitioner therein.

Learned Assistant Government Pleader for Stamps and Registration submits that since injunction order was

operating in CRP.MP.No.1546 of 2012 in CRP.No.1147 of 2012, registration was refused, as such, the impugned order cannot be faulted.

It is to be seen that in the writ affidavit, petitioner specifically asserts that he and his vendors are not parties to the said CRP.No.1147/2012. In similar circumstances, this Court allowed WP.Nos.11560/2011 and WP.No.11430/2012 wherein it was held as follows;

WP.No.11560/2011:

“In that view of the matter, unless the petitioners in this case are claiming through or are in any way to be categorized as the agents or representatives of the three persons, who suffered the above interim order in WP.No.6749 of 2009, the Circular instructions aforestated cannot be brought into play for the purpose of refusing registration of their document. Such being the case, the mere pendency of WP.No.6749 of 2009 in connection with the same property but in the context of some third parties, would not be reason enough for the Sub-Registrar, Pullampet, to keep the document pending registration.

There shall accordingly be a direction to the Sub-Registrar, Pullampet, YSR Kadapa District, to complete the registration process in respect of the document kept pending as Document No.P6/2011 and release the same.”

WP.No.11430/2012:

“An order of injunction whether passed in a suit or a petition would operate only against the parties to it. Howsoever proximate or remote a person may be connected to a party to proceeding before a Court, an

order passed therein does not bind him, unless he is a party thereto. A learned single Judge of this Court in WP.No.11560 of 2011 had discussed the matter at some length, and held so.”

In view of the above, the writ petition is allowed. Unless the petitioner is a party or tracing his title through party to any order passed by a competent Court of law prohibiting alienation, the 2nd respondent shall process the document, in accordance with law and release it in favour of the petitioner, within four weeks from the date of receipt of this order. 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

28.04.2017
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