

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.4525 OF 2017

O R D E R

The case of the petitioners is that they purchased the subject property under registered sale deed dated 6.12.2014 and that their names were also mutated in the revenue records. When they intended to sell the said property and presented the document to the 2nd respondent – Sub Registrar, he refused to register the same on the ground that he received a communication dated 8.8.2016 from the Deputy Superintendent of Police, purported to be under Section 102 Cr.P.C. requiring him not to allow any further sale transaction in respect of the subject property, as the 1st petitioner and others are facing allegations in a criminal case in Cr.No.27/2006 under Sections 420, 408, 467, 477(A) and 120(B) read with 34 IPC of Penamaluru Police Station Vijayawada City. Aggrieved by the inaction of the 2nd respondent – Sub Registrar in registering the document presented by the petitioners for registration, the present writ petition has been filed.

Heard the counsel for the petitioners and the learned Assistant Government Pleader for Stamps and Registration.

A reading of Section 102 under the chapter VII of Cr.P.C. which deal with the process to compel the production of things, would make it clear that the said provision empowers the police officer to seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances creating suspicion of the commission of any offence,

and such seizure shall be reported to the Magistrate having jurisdiction and in case the property cannot conveniently be transported to court, he may given the custody of the property to any person on his executing a bond undertaking to produce the property before the court as and when required.

As there is no actual seizure of the property in this case, in my considered view, this provision does not empower the Police Officials to address any communication to the registration department, restraining them from registering the document. Unless the property sought to be registered is prohibited by virtue of any notification under Section 22-A of the Registration Act, 1908 or there is any injunction orders of a competent civil court, the Sub Registrar cannot refuse to register the document presented for registration.

Though the learned Assistant Government Pleader for Stamps and Registrar, has sought adjournment on the last two occasions for instructions, could not produce any material or circular in conformity with law, or any provision, which enables the police officials to restrain the registering authority from registering any document, if the same is otherwise in order as per law.

For the foregoing reasons, the writ petition is disposed of at the stage of admission directing the 2nd respondent – Registrar to receive and register the document presented by the petitioners for registration, in respect of the subject land, provided the same is in order under Indian Stamp Act, 1899 and the Registration Act, 1908 and the Rules made there under; and is not in the prohibited list under Section 22-A of the Registration Act, 1908 and there

are no injunction orders from competent civil court restraining him from registering the document presented by the petitioners. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:20—02—2017

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