

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITON Nos.2950, 2952, 2969, 2975, 2983,
2988 And WP.No.2996 of 2017

COMMON ORDER:

All these writ petitions are filed against the proceedings No.G1/1059/2015-1, dated 20-08-2015 passed by the 2nd respondent, wherein the appeals filed by the petitioners under Section 72 of Indian Registration Act were dismissed confirming the orders of the 3rd respondent refusing to register the subject lands basing on the letter issued by the 4th respondent-Wakf Board vide proceedings F.No.22/MBNR/PROT/2013, dated 30-12-2014. In the proceedings issued by the 4th respondent-Wakf Board, it is stated that the matter is subjudice in CMP(SR)No.33569/2013 before this Court.

Learned counsel for the petitioners submits that predecessors in title of the petitioners filed O.S.No.20 of 1994 on the file of Senior Civil Judge, Mahabubnagar against the 4th respondent seeking declaration of title and for perpetual injunction, which includes the subject lands. The said suit was decreed on 23-09-2003. Questioning the same, the 4th respondent filed appeal in A.S.No.69 of 2004 before the 1st Additional District Judge, Mahabubnagar and the same was dismissed on 10-11-2016. Aggrieved by the said judgment and decree of the lower appellate Court, the 4th respondent filed second appeal in S.A.No.153 of 2013

before this Court and the same was also dismissed on 15-07-2013. Even after the same, the 4th respondent-Wakf Board issued proceedings in F.No.22/MBNR/PROT/2013, dated 30-12-2014. The petitioners challenged the said order by way of filing writ petition in WP.No.29288 of 2015 and the same was suspended by this Court by order dated 09-09-2015 in WPMP.No.37951 of 2015. Learned counsel for the petitioners also submits that inspite of the suspension order passed by this Court, the 3rd respondent refused to register the documents filed by the petitioners and though the appeal is filed before the 2nd respondent and the same was also dismissed by way of impugned proceedings, which is erroneous.

Heard learned Assistant Government Pleader for Revenue, who submits that Review CMP (SR) No.33569/2013 is pending. The 4th respondent addressed a letter to the concerned Sub-Registrar not to entertain the registration and basing on the same, the registration was refused.

Heard learned counsel for the 4th respondent-Wakf Board, who also submits that review CMP (SR) No.33569 of 2013 is pending.

It is to be seen that admittedly the registration of the petitioners documents was refused vide order dated 18-06-2015 basing on the proceedings dated 30-12-2014 and the same was suspended by this Court in WPMP.No.37951 of 2015 in WP.No.29288 of 2015 and

more so, the suit filed by the predecessors in title of the petitioners in O.S.No.20 of 1994 before Senior Civil Judge, Mahabubnagar and the same was decreed. The 1st appeal in A.No.69 of 2004 filed against the same was dismissed on 10-11-2006 by the lower appellate Court and second appeal in S.A.No.153 of 2013 filed by the 4th respondent was also dismissed on 15-07-2013 and the same is not disputed by the counsel for the 4th respondent. The only basis for refusal is proceedings dated 30-12-20214 and that were also suspended as referred to above. In view of the same, I am of the opinion that refusal order passed by the 3rd respondent refusing to register the documents filed by the petitioners cannot be sustained and in the appeal, the same was confirmed, but it cannot be sustained. More so, there is no injunction operating against the respondent No.3 for refusing to register the property.

In view of the same, the impugned order is set aside and the 3rd respondent is directed to register the documents filed by the petitioners, if the same are in order as per the provisions of Indian Stamp Act and Registration Act and the rules made thereunder. However, such registrations will be subject to further orders in review CMP(SR).No.33569 of 2013 before this Court.

Accordingly, the writ petitions are allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous

petitions, if any, pending in these writ petitions, shall stand closed.

A.RAJASHEKER REDDY,J

09-02-2017
Nvl



