

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.4488 OF 2018

ORDER:

Heard Mr.MJagannatha Sarma for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

The petitioners challenge Memo No.356/2017 dated 06.12.2017 as illegal, unsustainable and contrary to the material available on record. The operative portion of the memo impugned in the writ petition, if excerpted avoids narration of the case of petitioners, reads thus:

"Memo No.356/2017 Dated 06.12.2017

Sub:- Registration and Stamps Department –
RO (OB) Sangareddy P.No.1130/2017
Dated: 21.11.2017 – refusal orders –
Communicated – Reg.

Sri K.Prabhu Kiran S/o Venkateswarlu R/o Village No.110, Praneeth Prasad Homes, Iskabai, Ameenpur (V) & (M) Sangareddy District is hereby informed that the Development Agreement cum General Power of Attorney executed on 21.11.2017 and presented on 21.11.2017 in this office which is kept pending as No.P1130/2017 dated 21.11.2017 is refused to registration.

A copy of refusal order recorded in Book-2 is enclosed herewith for your information.

You may prefer appeal under Section 72 of the Registration Act 1908 within 30 days of the refusal order".

The accompanying refusal endorsement refers to Lr.No.F1/2051/06 dated 28.01.2017 and records a finding that as per the direction and information given by the District Collector, pending document No.51/17 is refused for registration.

The 2nd respondent/District Collector filed detailed counter affidavit. The circumstances preceding to the *lis* are adverted to in great detail and it is further stated that there are serious disputes on the identity, multiple registrations and in the name of registering the land belonging to the society, the land of Government is also registered. Therefore, steps have been taken to prevent registration of documents dealing with the Government property. While replying to the communication dated 28.01.2017, the 2nd respondent states as follows:-

“It is further respectfully submit that, as the patta lands transacted by the Society (including subject matter lands herein) are also covered in the report of the House Committee and the same is under active consideration for placing the same before the Hon’ble Speaker as directed by the Hon’ble High Court in its order dated 21.02.2014, to look into any multiple transactions done on the lands transacted by the society during the pendency of the case before the Hon’ble High Court, the District Collector has addressed a letter to the Sub-Registrar, Sangareddy vide Lr.No.F1/2051/06 dated 28.01.2017 to furnish the information with regard to transactions made during the pendency of the case in the Hon’ble High Court, but no where it was requested the District Registrar or Sub-Registrar to stop the registrations on the subject matter lands as alleged by the writ petitioner herein.”

The 2nd respondent further says that the petitioners have to work out the disputes before the competent Civil Court for getting their title declared. After excerpting the above reply, this Court is satisfied that the 4th respondent refused to register the document by referring to the communication of 2nd respondent. The 2nd respondent, as already excerpted in unequivocal terms, disowns to have given such a suggestion through

letter dated 28.01.2017. Either the understanding of 4th respondent must be wrong or the 4th respondent expanded the purpose of communication dated 28.01.2017. Either way, the communication and reasons for refusal are unsustainable. Hence, the communication and the reasons for refusal impugned in the writ petition are set aside and the 4th respondent is directed to re-consider pending document in accordance with law, either register or pass orders with reasons available under the Registration Act and communicate to the petitioner.

The writ petition is ordered as indicated above. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

23rd July, 2018
Lrk



S.V.BHATT, J