

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1179 of 2017

ORDER:

This Contempt Case is filed alleging non-compliance of the order, dated 08.08.2016 passed by this Court disposing of Writ Petition No.22685 of 2016 in terms of the judgment, dated 23.12.2015 rendered by the Division Bench of this Court in Writ Appeal No.343 of 2015 and batch.

Respondent filed a counter-affidavit as well as additional counter-affidavit, in which, he asserted that he took charge as a Sub-Registrar on 08.07.2016 and that registration of the document presented by the petitioner was refused by his predecessor on 24.06.2016 on noticing that the property which the petitioner seeks to register is in the list of prohibited properties under Section 22-A (1) (a) of the Registration Act (for short 'the Act'). He further asserted that inasmuch as the document presented by the petitioner was already refused for registration, he has no power to register the said document unless earlier refusal was interfered with or varied by the appellate authority in terms of Section 72 of the Act. He specifically denied the allegation of his demanding money from the petitioner. He further asserted that after he took charge, no documents in

relation to the properties of Daspalla Hills were registered in view of Section 22-A of the Act. He further asserted that there is no procedure of considering by the Sub-Registrar for registration of the document which came to be refused on account of the fact that the property is in the list of prohibited properties under Section 22-A (1)(a) of the Act. He further asserted that he was not the person who had refused to register the document, dated 18.06.2016, on 24.06.2016, as such, he is not in a position to submit any explanation in respect thereto at this point of time. He also asserted that there is no willful violation of the order of this Court.

Heard learned counsel for the petitioner.

Learned counsel appearing for the respondent submits that so far as Visakhapatnam Town is concerned, recently, the list of prohibited properties was notified and as a matter of fact, even as on date, the properties relating to the layout of Daspalla Hills are in such list.

Having considered the above and in view of the fact that as on date, the subject property is in the list of prohibited properties, the petitioner is required to take steps in terms of the procedure laid down by the Division Bench of this Court while disposing of

Writ Appeal No.343 of 2015 vide judgment, dated 23.12.2015. In view of the same, this Court is of the opinion that there is no deliberate attempt on the part of the respondent in returning the document to the petitioner, particularly, in view of refusal of the same by his predecessor on 24.06.2016.

In those circumstances, leaving it open to the petitioner to workout the remedies available to him in law, the Contempt Case is closed.

27th MARCH, 2018.

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CHALLA KODANDA RAM, J

