

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF
ANDHRA PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 15016 OF 2018

DATE : 26.04.2018

Between:

Smt. Tanikonda Siva, W/o. Subba Rao,
Rajampally Village,
Darsi Mandal, Prakasam District.

....petitioner

A n d

State of Andhra Pradesh
Rep. by its Principal Secretary,
Revenue Department and three others

....Respondents

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 15016 OF 2018

ORDER:

The petitioner is aggrieved by the refusal order dated 16.03.2018 passed by the Joint Sub-Registrar-V, Darsi, Prakasam District, denying registration of the sale deed presented by her relating to the land in Sy.No.791/2B of Darsi Village and Mandal, Prakasam district.

2. The impugned order reflects reason for denying registration on the ground that the Inspector General and Commissioner of Registration and Stamps, Andhra Pradesh, issued Memo dated 01.12.2011 informing the order passed by the High Court of Madras in Contempt Petition No.1205 of 2010 on 15.03.2011.

3. This Court had occasion to consider the Memo dated 01.12.2011 issued by the Inspector General and Commissioner of Registration and Stamps, Andhra Pradesh, pursuant to the order passed by the Madras High Court in Contempt Petition No.1205 of 2010, in W.P.No.34689 of 2012, W.P.No.7148 of 2013 and W.P.No.13573. Those writ petitions were disposed of holding that the Registration Authorities, unless restrained by a Court of competent jurisdiction through an injunction against alienation/transfer of the properties in respect of which a document was sought to be registered, could not refuse registration on the ground of

pending litigation. The Registration Authorities were, therefore, directed to receive and register the document presented by the petitioner therein subject to the document being in accordance with the provisions of law. The reason assigned by the Joint Sub-Registrar-V, Darsi, in the refusal order dated 16.03.2018, therefore, does not hold water.

4. The writ petition is, accordingly, allowed setting aside the refusal order dated 16.03.2018. There shall be consequential direction to the Joint Sub-Registrar-V, Darsi, to receive and process the documents presented by the petitioner in respect of the subject land without reference to the order dated 15.03.2011 of the High Court of Madras in Contempt Petition No.1205 of 2010. In the event the document presented is found to fulfil the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar-V, Darsi, shall complete the registration formalities and release the document in accordance with the due procedure.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 26.04.2018
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