

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.21427 OF 2018

ORDER:

Heard Mr.Gajanand Chakravarthi for petitioner and the learned Assistant Government Pleader for Revenue.

The petitioner prays for the following relief:

“...Writ of Mandamus, to declare the action of the 2nd respondent in proposing to commence the registration in respect of the land in Sy. Nos. 6, 9, 25, 26, 30, 31 and 32 admeasuring Ac.4-09 gts situated at Attapur Village, Rajendranagar Mandal, Ranga Reddy District, in spite pendency of the Civil Suit in O. S. No. 1241 of 2012 on the file of the XIX Additional District Judge, Ranga Reddy District and subsistence of the injunction orders in I. A. No.167/2013 in O. S. No. 1241 of 2012 dated 02.01.2013, through representation dated 25.10.2017 as being illegal, arbitrary and unjust and consequently direct the respondent No 2 consider the petitioner's representation dated 25.10.2017...”

The petitioner relies on the temporary injunction granted by Court in I.A. No.167 of 2013 in O.S.No.1241 of 2012. The trial Court through the order in I.A.No.167 of 2013 directed as follows:

“Heard the learned counsel appearing for the petitioner/plaintiff, Perused the material on record and the documents. According to the petitioner/plaintiff, himself and R.1 to R.3 are the co-owners of the suit schedule land, which comprises of Ac.4-09 gts situated at Attapur Village, Rajendranagar Mandal, RR District. The allegation is that respondents 1 to 3 are trying to change the nature of the land and alienate the same even without coming forward for the partition, which has been demanded. If injunction is not granted and if the respondents/defendants further alienate the schedule

land, it will lead to multiplicity of proceedings. It is a fit case where notice is to be dispensed and the interim injunction as prayed for can be granted.

There shall be ad-interim injunction restraining the respondents/defendants from alienating the suit schedule property to third parties until further orders. The petitioner/plaintiff is to comply the provisions of Order. 39, Rule-3(a) CPC. Call on 05.02.2013.”

Now the grievance of petitioner is that notwithstanding the injunction order granted by the Court against the defendants, the 2nd respondent, at the instance of defendants, is contemplating to register the subject land of the writ petition. Standing Order 219 reads as follows:

“An order restraining a person from alienating certain property does not operate as a prohibition to the registering officer against the registration of a document executed by such person affecting such property.

(b) If the A.P. High Court or any other Civil Court restrains a person from alienating a property and if such orders are brought to the notice of the Registering Officer or served on the Registering Officer, the Registering Officer is estopped from going ahead with the registration.”

This Court is of the view that the writ petition can be disposed of by this order:

The 2nd respondent is directed to look into the representation dated 25.10.2017, the order of the trial Court in I.A. No.167 of 2013 and act in accordance with the prescription stipulated by Standing Order 219.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:29.06.2018
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