

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 2382 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners to declare the action of respondent No. 3 in refusing to register agreement of sale – cum – GPA executed by petitioner No. 1 in favour of Smt. Juturu Chinnreddygari Vijaya, W/o Juturu Chinnareddygar Diwakar Reddy, in respect of factory land admeasuring Ac. 0.37 guntas in S.No. 15 situated at Suraram Village, Qutubullapur Mandal, Ranga Reddy District, as illegal and arbitrary and consequently direct respondent No. 3 to register the document.

2. The petitioners purchased the subject property in the proceedings initiated under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Petitioner No. 1 later executed agreement of sale – cum – GPA in favour of one Juturu Chinnareddygar Vijaya and presented the same for registration before respondent No. 3. In view of the letter addressed by Commercial Tax Officer, IDA Gandhinagar Circle, Hyderabad, dated 09-10-2014, to respondent No. 3 informing that attachment notice in Form – V under R.R. Act was published with respect to the subject property for recovery of arrears, the latter refused to receive and register the agreement of sale – cum – GPA.

3. The Sub-Registrar can refuse registration of a document if the property is notified under Section 22-A of Registration Act, 1908 (for short, 'the Act'), or under any other provisions of the

Act and he has to assign reasons as required under Section 71 of the Act for such refusal and an appeal lies under Section 72 of the Act to the Registrar against refusal.

4. In the light of the above, respondent No. 3 is directed to receive the document presented by the petitioners for registration and pass appropriate orders in accordance with Section 71 of the Act and if the petitioners have any grievance against the orders that may be passed by respondent No. 3, they can prefer an appeal under Section 72 of the Act.

5. With the above direction, the Writ Petition is disposed of. Pending miscellaneous petitions if any shall stand closed in consequence. No costs.

18-04-2018.
JSK

A circular green seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh. The outer ring contains the text 'HIGH COURT OF JUDICATURE AT HYDERABAD' and 'FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH'. The inner circle features the Ashoka Lion Capital and the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script. The text 'M. SATYANARAYANA MURTHY, J.' is written across the seal.

M. SATYANARAYANA MURTHY, J.