

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 2669 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the respondents in registering and mutating the property bearing H.No.8-38, open residential land situated at Nadiveedhi Street, Near Chakrapani House, Manthani, Karimnagar District without considering the legal notice dt. 03.05.2013 issued by the petitioner and subsequent change of the names of the owner in GP Register/Assessment Registrar without considering the representations dt. 20.08.2013, 11.07.2013, 15.07.2014, 11.08.2014, 30.12.2015, 31.12.2015 and 04.01.2016 duly informing that a civil suit is pending before the Court as illegal and arbitrary.

On perusal of the record, it appears that the petitioner issued Legal Notice dt. 03.05.2013 to respondent No.3 not to register the document obtained by the respondent Nos. 7 to 19, more particularly, on the ground that a civil suit is pending for the relief of partition, but the relief claimed in this petition was virtually a relief under Section 31 of Specific Relief Act and the question of refusal of registration would arise only under the provisions of Registration Act and that too the Court can assign reasons under Section 71 of the Act to refuse such registration, but the Sub Registrar-R.3 found no such objection in registering the document. Therefore, the action of the respondent No.3 cannot be declared as null and void as he acted within the parameters of Registration Act. However, if the petitioner succeeds in the pending suit before the Court, he can seek appropriate relief through process of Court. Therefore, the present Petition is liable to be dismissed as it is devoid of merits.

Accordingly, this Writ Petition is dismissed. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 18-04-2018
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Dt. 18-04-2018



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