

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30300 of 2018

ORDER:

The petitioner is aggrieved by the refusal orders dated 02.07.2018 and 18.06.2018 passed by the Joint Sub Registrar-V, Darsi, Prakasam district, denying registration of the sale deed presented by him, relating to the land admeasuring Ac.1.02 cents each in Sy.No. 791/2B, Darsi Village and Mandal, Prakasam District.

2. The reason for denying the registration appears to be 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 an 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 orders dated 02.07.2018 and 18.06.2018, therefore, does not hold water.

4. The writ petition is, accordingly, allowed, setting aside the refusal orders dated 02.07.2018 and 18.06.2018. There shall be consequential direction to the Joint Sub Registrar-V, Darsi, Prakasam district 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 fulfill the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Joint Sub Registrar-V, Darsi, Prakasam district shall complete the registration formalities and release the document in accordance with the due procedure. There shall be no order as to costs.

4. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.08.2018
DMG