

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31814 of 2018

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue (Telangana).

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the action of respondent Nos.2 and 3, in not considering the representations dated 18.08.2017 and 29.06.2017, seeking a negative relief i.e., not to change the revenue records and not to entertain any registrations pertaining to agricultural lands in Survey No.392 admeasuring Ac.1.30 guntas and Survey No.394 admeasuring Acs.5.16 guntas situated at Allapur village, Toopran mandal, Medak District, as illegal and arbitrary.

4. Learned counsel for the petitioners would submit that though there is order of injunction and the suit is pending since 1986, for reasons best known, the respondents are making every effort to get the document registered. In view of the above, he submits that his representation seeking not to register the plot in favour of the unofficial respondent may be directed to be

considered. He submits that as per Standing Order No. 219 of Andhra Pradesh Registration Manual, '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.

5. In the instant case, the request of the petitioners is to stop the registration of the property basing on the representation made, which cannot be done, unless a specific direction is given to the authorities concerned not to proceed with the registration. In the absence of the same, I am of the view that the request of the petitioner directing respondent Nos.2 and 3 to consider the representation of the petitioner for stopping the registration cannot be ordered. The other ground raised by the learned counsel for the petitioner is that the authorities are trying to change the name of the petitioners in the revenue records, without following due process of law. In this regard, it is to be noted here that any action done by the revenue authorities in

changing the records shall only be in accordance with the procedure established by law and after hearing all concerned.

6. Accordingly, the Writ Petition is disposed of.

7. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

06.09.2018
vnb

JUSTICE C. PRAVEEN KUMAR

