

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31932 of 2018

ORDER:

1) The present Writ Petition came to be filed seeking issuance of writ of mandamus directing the respondents not to register the petitioners' property ie., agricultural land admeasuring Ac.1.50 cents in Sy.Nos.122/ B and 122/ 2 situated at Nidamanuru Village, Vijayawada Rural, Krishna District, in the light of orders in O.S.No.262 of 2014 on the file of the VII Additional District Judge, Vijayawada.

2) Learned counsel for the petitioners mainly submits that in spite of there being an order of injunction in respect of the very same property, the second respondent is trying to register the same and as such seeks a direction restraining the second respondent from registering the subject property.

3) The Government Pleader for Revenue would submit that such a direction may not be necessary in view of the circular memo, dated 10.03.2010 issued by the Government basing on the Standing Order.

4) It would be useful to extract the Circular, which is as under:

“Instances have come to the notice of the Commissioner & Inspector General of Registration and Stamps, that in certain cases the Sub-Registrar registered document when an injunction order issued by the Civil Court is in force. The explanation given is such cases by the Sub-Registrars,

is that the injunction is given to the other parties and not to the Sub-Registrar.

The contention of the Sub-Registrar is not correct. The instructions issued in the reference 1st and 2nd cited are reiterated.

The Standing Order No.219 (b) speaks as follows. (b) If the Andhra Pradesh 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 officers or served on the Registering Officer. The Registering Officer is estopped from going ahead with the registration.

Therefore, all the Registering Officers are requested to follow the instructions issued the said Standing Order scrupulously.”

5) In view of the above, if there is any order restraining a person from alienation, the petitioners herein shall bring the same to the notice of the second respondent, in which event the second respondent shall follow the procedure contemplated under law.

6) With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

06.09.2018
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