

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34781 OF 2018

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of respondent No.4 in issuing letter, dated 03-07-2018, refusing to receive the sale deed presented by the petitioner for registration in respect of the land admeasuring 233.4 square yards in R.S.No.411/1 situated at Poranki village, Penamalulru mandal, Krishna District (for short 'the subject property'), on the basis of an injunction order passed by the XII Additional District Judge, Vijayawada, Krishna District, in OS.No.59 of 2006. The petitioner sought for a consequential direction to respondent No.4 to receive and register the said sale deed.

2. The brief facts of the case are that the petitioner is the absolute owner of the subject property having purchased the same *vide* registered sale deed bearing Doc.No.285/1991, dated 05-03-1991, from its previous owner *viz.*, Smt. Y. Rajeswaramma. When the petitioner sought to alienate the subject property, the 4th respondent issued the impugned letter dated 03-07-2018 informing the petitioner that an injunction order has been in subsistence in respect of the said property.

3. The petitioner has annexed a copy of the aforesaid injunction order and also the plaint in OS.No.59 of 2006 along with schedule to

the Writ Petition, a perusal of which shows that, in all, there are 12 items mentioned therein and that the injunction order was granted in respect of item Nos.2 to 12 only. Hence, it is evident that there is no injunction order against the subject property.

4. In view of the same, the impugned letter, dated 03.07.2018, is set aside. It is left open to the petitioner to present the sale deed for registration before respondent No.4. On such presentation, respondent No.4 shall receive and consider the same for registration in terms of the Stamps and Registration Act, 1908, and without reference to Order, dated 31-01-2012 in IA.No.763 of 2009 in OS.No.59 of 2006, provided the same is not included in the list of prohibited properties under Section 22-A of the Registration Act and also if the same is in order as per the provisions of the Indian Stamp Act and Registration Act and the Rules made thereunder and if there is no other order of injunction prohibiting alienation of the subject property.

5. Subject to the above direction, the Writ Petition is disposed of. As a sequel to disposal of the Writ Petition, WPMP.No.5881 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

A.RAJASHEKER REDDY, J

Dated : 06-11-2018
NRG

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



Nrg

