

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.37741 OF 2018

O R D E R

On the ground that the subject property is covered by order of injunction passed by this court in CRPMP.No.1546 of 2012 in CRP.No.1147 of 2012, the 2nd respondent – Sub Registrar, Pullampeta Sub Registrar Officer, Pullampeta, YSR Kadapa District, Andhra Pradesh, vide the impugned proceedings in reference No.6 of 2018 dated 4.10.2018, refused to register the document presented by the petitioner. Aggrieved by the same, the present writ petition is filed.

Sri M.S.Prasad, learned Senior Counsel appearing for the petitioner submits that the petitioner is not a party to the proceedings in CRP.No.1147 of 2012 and no order of injunction is operating against him and, therefore, the impugned rejection by the 2nd respondent is illegal and hence the same may be set aside and the said authority may be directed to register the document presented by the petitioner. He submits that this court considering the very same issue in W.P.No.9139 of 2012 dated 2.04.2012 and W.P.No.24631 of 2012 dated 19.08.2012, directed the 2nd respondent herein, to register the document presented by the petitioner therein.

Learned Assistant Government Pleader for Stamps and Registration, submit that since this court granted injunction in respect of the subject property in CRP.No.1147 of 2012, and in view of SO.219 of A.P. Registration Manual Part – II (as amended by G.O.Ms.No.620 Revenue (Regn.I) Department dated 28.09.2002 read with G.O.Ms.No.497 Revenue (Regn.I) Department dated 07.04.2003), 2nd respondent refused to register

the document presented by the petitioner. However, the learned Assistant Government Pleader does not dispute the orders in the writ petitions relied on by the learned Senior Counsel appearing for the petitioner.

This court in W.P.No.9139 of 2012 dated 02.04.2012 passed the following order:

“It is state that respondent No.2 is not releasing the document on the ground that the property in question is the subject matter of C.R.P.No.1147 of 2012. The petitioner contends that he is not a party to the proceedings and no order of injunction is operating against him.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents.

An order of injunction whether passed in a suit or a petition would operate only against the parties to it. However, proximate or remote a person may be connected to a party to proceeding before a Court, an order passed therein does not bind him, unless he is a party thereto. A learned Single Judge of this court in W.P.No.11560 of 2011 had discussed the matter at some length and held so.

Therefore, the writ petition allowed directing that in case the petitioner, his vendor or vendor's vendor are not parties to the order in C.R.P.No.1147 of 2012, respondent No.2 shall process the document in question in accordance with law and release the same in favour of the petitioner, within four weeks from the date of receipt of a copy of this order. It is also made clear that the registration so made shall not affect the rights of the parties to the revision nor shall it create rights in favour of any person except the parties to the document.”

In view of the order dated 02.04.2012 in W.P.No.9139 of 2012 and for the reasons a like, the present writ petition is allowed in terms of the above directions of this court.

Interlocutory applications pending, if any, shall stand closed. No costs.

A. RAJASHEKER REDDY, J

DATE: 24—10—2018

AVS