

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39790 of 2018

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents in not receiving and processing the documents for registration presented by the petitioner in respect of land to an extent of Acs.2.567 cents covered by plot Nos.236 to 246, 267 to 277, 371 to 390 and 433 to 452, situated in Sy.Nos.212/12 of Thiruchanur Village lands, Daminedu Village Accounts, Tirupathi Rural, as illegal and arbitrary and consequently to direct the respondents 3 and 4 to register the same.

It is the case of the petitioner that the petitioner filed suit O.S.No.59 of 2015 on the file of III Addl. District Judge, Tirupati for specific performance of the agreement of sale dated 27.08.2009 and same was decreed on 02.05.2015. Thereafter, E.P.No.9 of 2015 and possession was delivered through the executing Court in respect of the subject property. While so, the third party filed E.A.No.75 of 2017 in E.A.No.116 of 2016 in E.P.No.9 of 2015 in O.S.No.59 of 2015 and sought for ex-parte ad-interim injunction restraining the petitioner and other purchasers from alienating the subject land to third parties and the Court below on 26.04.2017 granted injunction of alienation of the property till 13.06.2017, but thereafter, there is no extension of injunction order. In spite of the same, when the petitioner wanted to present the documents for sale of the subject property for registration in

pursuance to decree in O.S.No.59 of 2015, the same is not being received by the 4th respondent. Aggrieved by the same, present Writ Petition is filed.

Heard Sri P.Veera Reddy, learned Senior Counsel appearing for W.V.B.Shravan appearing for the petitioner and learned Assistant Government Pleader for Revenue appearing for respondents.

Learned Assistant Government Pleader for Revenue produced written instructions stating that the petitioner without presenting the documents, have approached this Court straight away.

A perusal of the written instructions produced by the learned Assistant Government Pleader for Revenue goes to show that if the petitioner presents the documents for registration before the 4th respondent, they will be processed as per the Indian Registration Act, 1908.

In view of the same, since it is clearly stated that injunction in E.A.No.75 of 2017 in E.A.No.116 of 2016 in E.P.No.9 of 2015 in O.S.No.59 of 2015, expired in the year 2017 itself, this Writ Petition is disposed of directing the 4th respondent to receive the documents presented by the petitioner in respect of the subject property and register the same, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made there under and also if the same is not in the list of prohibited properties under Section 22-A of the Registration Act

and no injunction restraining alienation of subject property is subsisting since it is specific case of petitioner that injunction granted expired.

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

A.RAJASHEKER REDDY,J

12.11.2018
kvs



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