

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

**WRIT PETITION Nos.43072, 43080, 43086, 43091, 43094, 43104,
43107 AND 43109 OF 2017**

COMMON ORDER:

All these writ petitions are being disposed of by this common order as the cause of action is common in relation to the petitioners.

The petitioners claim that they are the absolute owners and possessors of the following properties.

Sl. No.	W.P.No.	Extent of land	Survey No.	Location of the land	Registering Authority
1	43072 of 2017	Plot No.18 admeasuring 222.22 sy.yards	103/1	Taadigadapava Village, Penumaluru Mandal, Krishna District	Sub Registrar, Patamata, Vijayawada
2	43080 of 2017	Plot No.26 admeasuring 200 sy.yards	235	Kuntloor Village, Hayathnagar Mandal, RR District	Sub Registrar, Hyderabad East, Hayathnagar
3	43086 of 2017	Plot Nos.24, 115 and 257	269 and 670	Pedda Amberpet and Koheda Villages, Hayathnagar Mandal	Sub Registrar, Pedda Amberpet
4	43091 of 2017	Acs.1.33, 0.33, 413.41 Sq.yards, 206.66 sq. yards etc.	56/7, 567/c, R.S.No.65, 363/1 etc.	Vijayawada Rural Mandal	Sub Registrar, Nunna, Vijayawada Rural
5	43094 of 2017	Plot No.204	9/1	Saroornagar Village and Mandal	Sub Registrar, Saroornagar
6	43104 of 2017	200 sq.yards	57	Karmanghat Village, Saroornagar Mandal	Sub Registrar, Hyderabad East, Hayathnagar
7	43107 of 2017	Plot No.14 admeasuring 287 sq. yards	--	Thattiannaram Village, Hayathnagar Mandal	Sub Registrar, Saroornagar
8	43109 of 2017	Plot No.6 admeasuring 300 sq. yards	200	Amangal, Hayathnagar Village and Mandal	Sub Registrar, Hyderabad East, Hayathnagar

When the documents are presented for alienation to the concerned Sub Registrars, they are not being registered on the

ground that the Deputy Superintendent of Police and Investigating Officer, CID, Guntur, addressed a communication stating that the Sub Registrar concerned shall not allow any transactions in respect of the properties mentioned therein. Challenging the action of the respondents 2 and 3 in not registering the documents in respect of the properties belonging to the petitioner, the present writ petitions are filed.

It is an admitted case that crime No.27 of 2016 was registered under Sections 420, 408, 467, 471, 477(A) and 120-B read with Section 34 IPC in Penamaluru Police Station, Vijayawada, wherein the petitioner is the accused. It appears that the Investigating Officer addressed a communication to the Sub Registrars concerned in exercise of his powers under Sections 91 and 102 of the Code of Criminal Procedure, 1973 (CrPC). Section 91 of CrPC., deals with summons to produce document or other thing and Section 102 of CrPC., deals with the power of the Police Officer to seize certain property. So far as action of the respondents 2 and 3 are concerned, they are guided by the provisions of the Registration Act and there is no provision in the Registration Act enabling the Investigating Officer to prohibit registration of documents. In such circumstances, the only remedy available to the Investigating Officer is to obtain proper orders from the competent Courts, if he wants to take any action. So long as no order from the competent Court, the respondents 2 and 3 cannot refuse registration of the documents, if the documents are otherwise in order and complying with the provisions of the Registration Act.

In the circumstances, the writ petitions are disposed of directing the respondents 2 and 3 to receive the documents

submitted by the petitioner and process them further according to the provisions of the Registration Act. If, for any reasons, the respondents 2 and 3 feel that the documents cannot be registered, they have to pass appropriate orders under Section 71 of the Registration Act and communicate the same to the petitioner.

The writ petitions are accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in these writ petitions, shall stand closed. There shall be no order as to costs.

25.01.2018
pln

A.RAMALINGESWARA RAO, J

