

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4348 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent for issuance of Memo No.16 of 2019 dated 18.01.2019 as illegal, arbitrary and violative of the principles of the natural justice and consequently direct the Respondents not to register the property of house to an extent of Acs.8.29 square yards in Block No.03 Survey No.152 situated at Kodad Town by considering the representation of the Petitioner dated 18.01.2019 in view of the pendency of Civil Suit vide O.S.No.496 of 2011 on the file of the Court of Senior Civil Judge, Huzurnagar, Suryapet District, in the interest of justice and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

By the Memo dated 18.01.2019, the Sub-Registrar, Kodad, informed the petitioner that registration authorities have no discretion to deny registration of a document on the strength of the objection raised by him and advised him to approach a Court of law to obtain necessary orders for restraining the registration or for cancelling the same.

The apprehension of the petitioner is that respondent No.4 herein would execute documents in relation to the property over which civil litigation is pending.

Without securing an order from the competent Court restraining the registration authorities from entertaining such a document for registration, the petitioner seems to have made a representation directly to the registration authorities asking them

not to entertain any document presented by respondent No.4 for registration.

As rightly pointed out by the Sub-Registrar, Kodad, the registration authorities have no independent power to refuse registration of a document based on mere pendency of litigation between private parties in relation to the property covered by the said document.

This Court therefore finds no grounds to interfere with the impugned Memo dated 18.01.2019.

The Writ Petition is devoid of merit and is accordingly dismissed. This order shall however not preclude the petitioner from taking appropriate measures before the competent civil Court.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

08<sup>th</sup> March, 2019  
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JUSTICE SANJAY KUMAR