

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.6064 OF 2018

ORDER :

Petitioner's grievance is that though there is a finding recorded in the judgment dt.26.09.2013 in O.S.No.1396 of 2006 of the VII Senior Civil Judge, Rangareddi District, L.B.Nagar, Hyderabad that a registered Sale Deed dt.31.03.2006 was obtained by impersonation of the original owner late Abdul Qayyum and though Rule 119 of the Rules framed under the Registration Act, 1908 mandates action to be taken by recording a note at the foot of the entry in the Register maintained by the 4th respondent about the Civil Court order, the impugned order has been passed on 17.03.2015 by the 4th respondent refusing to do so on the ground that he was not a party to the suit and he did not get any direction from the Court.

2. Rule 119 of the Rules framed under the Act states as under:

“If a registered document is declared by a Court to be a forgery or to have been registered under an admission made by a person who falsely personated the executant, a note calling attention to the fact shall be entered at the foot of the entry in the register and when practicable on the document.”

3. The existence of this rule and the duty of the 4th respondent to comply with it is not disputed by the Government Pleader for Revenue.

4. There is also no requirement in the said Rule that the Officer of the Registration Department should either be a party to

the suit or that there should be a direction from the Court to make foot note, for him to take action as directed in the said Rule.

5. Therefore, this Writ Petition is allowed; the impugned endorsement dt.17.03.2015 of the 4th respondent is set aside; and the 4th respondent is directed to forthwith comply with the duty cast on him by Rule 119 of the Rules framed under the Registration Act, 1908 and record as directed therein by taking note of the judgment dt.26.09.2013 in O.S.No.1396 of 2006 of the VII Senior Civil Judge, Rangareddi District, L.B.Nagar, Hyderabad. No order as to costs.

6. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

26th September, 2019.

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