

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8699 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 2nd respondent in not disposing of the appeal filed under Sections 72 and 73 of the Indian Registration Act, 1908 (for short, 'the Act'), against the impugned letter No.97/SR Nagar, 2019, dated 04.04.2019, issued by the 3rd respondent refusing to register the document submitted by the petitioner in respect of the property bearing Municipal Nos.6-3-595/43 & 6-3-595/42, plot Nos.10 and 11 in Survey Nos.95 and 96, situated at Erramanzil, Khairtabad, Hyderabad, in spite of an order of injunction subsisting in view of the death of the original defendant in O.S.No.666 of 2013 on the file of II Additional Chief Judge, City Civil Court, Hyderabad, which has become nullity in the eye of law, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents. Perused the record.

3. Learned counsel for the petitioner would submit that the 3rd respondent issued the impugned letter No.97/SR Nagar, dated 04.04.2019, whereunder the petitioner was directed to submit certified copy of vacate orders, if any, passed in the aforesaid Original Suit for taking necessary action. Aggrieved by the said letter, the petitioner preferred an appeal under Sections 72 and 73 of the Act in the month of April, 2019. However, no

number is assigned to the appeal nor it is being entertained by the 2nd respondent-District Registrar.

4. As far as the submissions made, there is no denial of filing of appeal under Sections 72 and 73 of the Act by the petitioner herein aggrieved by the impugned letter, dated 04.04.2019. It is not appropriate to state with regard to the merits including the maintainability of the appeal filed by the petitioner herein. When an appeal is filed, the Registrar concerned has to pass appropriate orders. It appears from the submissions and record, no number is assigned and no action has been taken on the appeal filed by the petitioner aggrieved by the impugned letter.

5. Under these circumstances, the 2nd respondent-District Registrar, Stamps and Registration Department, Hyderabad South, Erragadda, Hyderabad, is directed to examine the appeal papers filed by the petitioner and take action in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

6. With this direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

APRIL 24, 2019
YVL

Dr. SHAMEEM AKTHER, J

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Date:24.04.2019

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