

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19661 of 2019

Jakkana Lakshmaiah

...Petitioner

Vs.

The State of Telangana,
Rep. by its Principal Secretary,
Stamps & Registration Department,
Secretariat Buildings,
Hyderabad, and others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 13.09.2019

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment
may be marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wishes to
see the fair copy of the Judgment? Yes/No

CHALLA KODANDA RAM, J

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!Counsel for the Petitioner : Sri Ch. Ravinder

Counsel for the Respondents : GP for Revenue

< Gist :

> Head Note:

? Cases referred:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**WRIT PETITION No. 19661 of 2019****ORDER:**

In this Writ Petition, petitioner's grievance is that the third respondent – Sub-Registrar, Huzurabad, Karimnagar District, is refusing to register the sale deed presented by him with respect to premises bearing No.1-3-33, 1-3-33/1 (old No.1-98), admeasuring 200 sq.yards, situated at Jammikunta, Karimnagar District, notwithstanding the fact that neither his vendor nor himself is a party to the proceedings in R.C.No.267 of 2016 in O.A.No.722 of 2014.

Learned counsel for the petitioner by making a reference to the order of attachment of immovable property dated 02.02.2019 passed by the Recovery Officer, Debts Recovery Tribunal-1, Hyderabad, in R.C.No.267 of 2016 in O.A.No.722 of 2014, would submit that there is a restraint order with respect to house bearing No.1-3-33 and 1-3-33/1, admeasuring 200 sq.yards, at Main Road, Jammikunta Village and Mandal, Karimnagar District, and that the petitioner is not a party to the said proceedings, as such, the said order is restricted to the parties therein from transferring or charging the property, and therefore,

there cannot be any hindrance to the third respondent to register the document said to have been presented by the petitioner.

On the other hand, learned Government Pleader for Revenue appearing for the respondents would bring to the notice of this Court S.O.No.219(b) issued by the Government vide Memo No.2722/U2/70-4, Revenue, dated 17.11.1970, and it reads as under:

“S.O.219(b). If the A.P. High Court or any other Civil Court restrains a person from alienating a property and if such orders are brought to the notice of the Registering Officer or served on the Registering Officer, the Registering Officer is estopped from going ahead with the registration.”

Though the learned counsel for the petitioner asserts that the restraint order passed by the Debts Recovery Tribunal is only with respect to the parties mentioned therein, this Court cannot ignore the fact that such restraint order is in relation to the subject property. When there is a judicial order restraining registration, this Court cannot ignore the said order and direct the Registering Officer to violate the order of another judicial forum though it is subordinate to this Court in all respects.

In those circumstances, there is no merit in the writ petition.

The writ petition is accordingly dismissed giving liberty to the petitioner to approach the appropriate forum for getting the order of attachment of immovable property dated 02.02.2019 passed by the Debts Recovery Tribunal-1, Hyderabad, varied/modified.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

13th SEPTEMBER, 2019.

Note: L.R.copy be marked.

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