

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.21834 of 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Stamps & Registration for respondent Nos.1 to 4 and Sri V. Narasimha Goud, learned Standing Counsel for HMDA for the 5th respondent.

2. On 24.08.2019, the petitioner made a representation to the Sub Registrar's Office, Keesara, Registration and Stamps Department, placing objections on the registration of open plot in the lay out bearing L.P.No.000095/LO/Plg/HMDA/2019 dated 01.05.2019. This Writ Petition is filed to direct respondent Nos.2 to 4, who are the registering authorities, to consider the objections filed by the petitioner against the lands in survey Nos.173/P, 174/P, 175/P, 179/P & 213/P to an extent of Ac.24-71 guntas situated at Keesara Dayara Village, Keesara Mandal, Medchal Malkajgiri District.

3. In substance, the relief sought in the writ petition is that the registering authority be restrained from entertaining any deed of conveyance on the above extent of land in pursuant to the layout mentioned above as it was illegally obtained; raising objections on granting of layout, an application was filed before the HMDA and said application is pending consideration of HMDA. Earlier, petitioner filed W.P.No.14907 of 2019 alleging that objections filed before HMDA were not considered. Said writ petition was disposed of by order dated 14.08.2019 directing the HMDA to pass orders on the objections filed by the petitioner dated 04.07.2019. Since the issue is pending consideration by the HMDA, at this stage if the deeds of conveyance are received and

registered by the registering authorities, grave prejudice would be caused.

4. The learned counsel for the petitioner is unable to show any provision in the Indian Registration Act or the Rules made thereunder which enable a person to file objections in advance against receiving of any deed of conveyance for registration. The registering authority cannot refuse to register the deed of conveyance whenever it is presented by the parties to the document and when document is presented he should process and register if it is otherwise in order.

5. Apparently, so far the lay out is not cancelled. Merely because an application is pending before the HMDA, it cannot be a ground to direct the registering authority not to entertain deeds of conveyance, even before a decision is made by the HMDA. It cannot be assumed that HMDA would cancel the layout permission.

6. Accordingly, this Writ Petition is dismissed by granting liberty to the petitioner to workout his remedies as and when a decision is made by the HMDA on his earlier objections. No costs.

Miscellaneous petitions, if any, shall stand closed.

Date: 23.10.2019
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P. NAVEEN RAO, J