

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22709 OF 2019

DATED :18.10.2019

Between :

Mohd. Nooruddin S/o.Late Mohd.Raheemuddin,
Aged about 55 yrs, Occu : Business,
R/o.H.No.16-8-192/1/V, Indiranagar,
Peesalbanda , Hyderabad.

.. Petitioner

And

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

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

2. According to petitioner Mohd. Raheemuddin and Mohd. Vazir jointly purchased land to an extent of Ac.6-20 guntas in Sy.No.95/Bagh, Hayathnagar Village and Mandal by way of registered sale deed dated 03.03.1967 from the original owner and pattadar Zoharabi W/o.Mohd.Galib. The legal heirs of late Mohd. Raheemuddin and Mohd.Vazir filed O.S.No.811 of 2010 on the file of I Additional District Judge, L.B.Nagar, Hyderabad for partition of the said property. Accordingly, suit was decreed on 02.12.2014 dividing the said property into two equal shares as Schedule-A and Schedule-B. Petitioner claimed to have succeeded to 4635 Square yards. Petitioner intends to sell the property. When he presented the document before the 3rd respondent- Sub-Registrar, he refused to register the document.

3. While so, O.S.No.1141 of 2017 was instituted by some other parties in the Court of District and Sessions Judge-cum-Metropolitan Sessions Judge, Ranga Reddy District. In the said suit, I.A.No.1277 of 2017 was filed praying to grant injunction against the Sub-Registrar and District Registrar, Ranga Reddy District. By order dated 11.06.2019, the trial Court granted injunction restraining respondents 10 and 11 therein i.e., Sub-Registrar and District Registrar, from registering any document in respect of petition schedule property.

4. Learned counsel for petitioner submits that petitioner is no way concerned with the said litigation and he is not a party to the said suit, whereas by virtue of the decree granted in O.S.No.811 of 2010, he succeeded to the property, therefore the registering authorities cannot refuse to receive, process and register the deeds presented before them on the property belonging to him. He would submit that the restraint imposed by the trial Court is not binding on him and therefore, his document cannot be refused.

5. In support of his contention, learned counsel for the petitioner placed reliance on the decision of learned Single Judge, of this Court in W.P.No.16596 of 2012.

6. In the said writ petition, the learned Judge, observed that as petitioner therein was not a party to the suit, injunction order is not binding on the said party. Accordingly, the writ petition was allowed directing the 2nd respondent therein to process the document in accordance with law and release it in favour of the petitioner. What is the nature of injunction granted is not extracted in the said order. Therefore, no opinion can be expressed.

7. Be that as it may, in I.A.No.1277 of 2017 in O.S.No.1141 of 2017, on detailed consideration of the respective claims, the trial Court granted injunction restraining the Sub-Registrar and the District Registrar from entertaining any deeds of conveyance and the said direction is binding on the Sub-Registrar. This Court cannot mandate the Sub-Registrar to violate the said direction and to entertain the deeds of conveyance on the properties which petitioner claims as belonging to him. The suit schedule property is a vast extent of land in various survey numbers including the land in Sy.No.95/Bagh.

8. It is also not clear from the averments in the writ petition as well as in O.S.No.1141 of 2017 as to how those plaintiffs are related to the petitioner and how they have set up their claim to the entire extent of land of Ac.159-00 in various survey numbers including the land claimed by the petitioner. Thus, at this stage, no direction can be issued as sought for as it would be amounting to interfering with a judicial order by the competent Court.

9. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to work out his remedies as available in law, including filing application for impleadment in the pending suit and to seek appropriate direction from the competent Court, if so advised. Pending miscellaneous petitions, if any, shall stand closed.

18th October, 2019
Rds

P.NAVEEN RAO,J