

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.20179 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd and 3rd Respondent herein in registering Sale Deeds dated 30.05.2018 Document nos.4938 of 2018 and 4940 of 2018 executed by 4th Respondent herein in favour of Respondents 5 to 11 herein alienating part of the suit schedule land, in utter violation of the injunction orders dated 16.04.2018, extended on 02.05.2018 and 08.06.2018 in I.A.No.203 of 2018 in O.S.No.49 of 2018 passed by the Learned Senior Civil Judge at Sircilla as illegal, malafide, dishonest act, willful disobedience of the injunction orders dated 16.04.2018 extended on 02.05.2018 and 08.06.2018 in I.A.No.203 of 2018 in O.S.No.49 of 2018 passed by the Learned Senior Civil Judge at Sircilla, violative of Section 22A(e) of the Registration Act, 1908 and violative of Article 14 & 300A of the Constitution Of India and to pass such other order(s) as may be deemed fit and proper and consequently direct the 2nd & 3rd Respondents herein to immediately cancel the said sale deeds dated 30.05.2018 registered as Document nos.4938 of 2018 and 4940 of 2018.'

The petitioner filed O.S.No.49 of 2018 on the file of the learned Senior Civil Judge, Sircilla, against the fourth respondent herein and secured an interim order injunctioning her from alienating items 1 and 2 of the suit schedule property. This interim injunction was passed by the trial Court in I.A.No.203 of 2018 in O.S.No.49 of 2018 on 16.04.2018 and the said order was valid until 02.05.2018. On the strength of this order, the petitioner addressed letter dated 24.04.2018 to the Sub-Registrar, Sircilla, requesting him not to entertain any document for registration in relation to the subject properties in the light of the interim injunction order. Basing on this communication, the registration authorities included the subject land in the prohibited properties list with the entry 'covered by Court stay' against the same.

The present complaint of the petitioner is that the Sub-Registrar, Sircilla, thereafter entertained documents presented by the fourth respondent and registered them on 30.05.2018.

It appears that the earlier interim injunction granted on 16.04.2018 was extended by the trial Court up to 08.06.2018, *vide* docket order dated 02.05.2018. However, no material is placed on record in proof of the said extension order being brought to the notice of the Sub-Registrar, Sircilla. The petitioner therefore did not take the trouble to inform the registration authority of the fact that the earlier injunction order which was valid up to 02.05.2018 had been extended up to 08.06.2018. Having failed to do so, he cannot find fault with the said registration authority for undertaking registration of documents presented after 02.05.2018. It is an admitted fact that the Sub-Registrar, Sircilla, registered the documents presented by the fourth respondent only on 30.05.2018.

The fourth respondent filed a counter stating that she was unaware of the filing of the suit and the interim orders passed therein until 08.06.2018. Therefore, no knowledge of the order dated 16.04.2018 or its extension can be imputed to her.

Though Sri T.Surya Satish, learned counsel for the petitioner, would contend that having entered the subject properties in the list of prohibited properties it was not open to the registration authority to undertake registration of documents, it may be noted that when the petitioner himself brought it to the notice of the registration authority that the injunction order was valid only till 02.05.2018, in as much as a copy of the injunction order dated 16.04.2018 was also furnished by him, no blame can be laid at the door of the registration authority for undertaking registration of documents on 30.05.2018 as the registration authority was

never informed of the fact that the earlier order dated 16.04.2018 had been extended up to 08.06.2018.

On the above analysis, this Court cannot find fault with the registration authority for registering the documents presented by the fourth respondent on 30.05.2018 as he was never informed of the factum of the extension of the earlier injunction order.

The writ petition is devoid of merit and is accordingly dismissed. This order shall however not preclude the petitioner from invoking appropriate remedies before the competent forum in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

JUSTICE SANJAY KUMAR

Date:24.01.2019

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