

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26727 OF 2019

Date: 04.12.2019

Between:

P. Vijay Singh S/o.Late Ghore Singh,
Aged about 20 yrs, Occu : Student,
R/o.1-68/1, Nanakramguda,
Poojari Basti, Serilingampally,
R.R.District.

.....Petitioner

And

The Sub Registrar Office,
Balanagar, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondent No.1.

2. According to petitioner, he, Smt. Parameshwari and 18 others are great grand children of late Suraj Singh S/o.Bhaktawar Singh, who during his lifetime has purchased Ac.3-25 guntas in Sy.Nos.1/A, 1/AA, 2/AA and 2/E of Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District. After the death of Sri Suraj Singh, his two sons namely Sohanlal Singh and Jagannath Singh inherited the said properties and subsequently, partitioned the same orally and shared half of the said properties among themselves and thereafter they became owners and in possession of their respective shares of the properties. Petitioner claims that he is the great grandson of late Sohanlal Singh. He further traces the flow of title in their family.

3. Petitioner now claims that the family members who have succeeded to the property stated above are not cooperating. Therefore, he wanted the property to be partitioned among the legal heirs of Kishan Singh, Papa Singh, Chotam Singh and Rajan Singh and as the family members are not willing for partition as required, he was compelled to institute O.S.No.705 of 2018 pending in the Court of VII Additional Senior Civil Judge, R.R.District at L.B.Nagar. Petitioner now alleges that the family members have sold the property to third parties who are also parties to the said suit, and the third parties are now

seeking to further alienate the property. Hence, this writ petition is filed seeking direction to the registering authority not to entertain any deed of conveyance till the disposal of pending suit.

4. Learned counsel for the petitioner submits that in addition to filing of suit, legal notice was also issued to the Sub-Registrar-1st respondent, not to undertake any registrations till the suit is decided.

5. According to learned counsel for the petitioner, along with the suit, petitioner also filed interlocutory application seeking injunction. The defendants have entered their appearance and the matter is coming up for hearing, but so far no orders are passed.

6. According to learned counsel for the petitioner, the family members have sold the property to M/s.Vasavi Homes Pvt. Ltd.,-2nd respondent, herein and the 2nd respondent is now trying to further alienate the property.

7. Leaving apart, the *inter se* disputes between the petitioner, his family members and 2nd respondent, which is the subject matter of pending suit, the issue for consideration is, whether the registering authority be restrained from entertaining the deed of conveyance, presented before him, by a person claiming title by virtue of a registered sale deed, merely on the ground that the suit is pending for partition of joint family property.

8. Whether the property claimed by petitioner, still has the status of joint family property and whether petitioner is entitled to a share in the joint family property is the matter pending consideration of the competent civil Court. Petitioner has also

impleaded subsequent purchaser as defendant in the suit. Thus, nothing prevented the petitioner from obtaining appropriate injunction order in the pending suit. As long as valid sale deed is subsisting, and a person claiming title through sale deed, presents any deed of conveyance, the registering authority cannot refuse to receive the same, merely on the ground that *inter se* dispute is pending. Therefore, the relief sought in the writ petition cannot be granted.

9. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies in the pending suit. Pending miscellaneous petitions, if any, shall stand closed.

4th December, 2019
Rds

P.NAVEEN RAO, J

