

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Writ Appeal No.838 of 2019

Date:15.11.2019

Between:

S.V.Surya Bhagawan

..Appellant

And

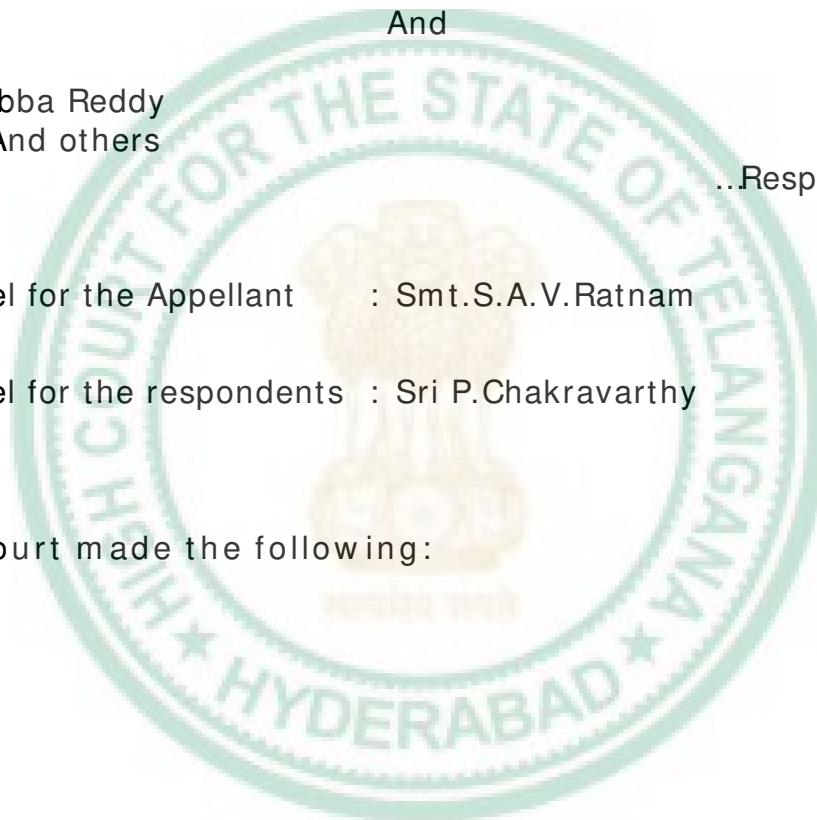
T.V.Subba Reddy
And others

..Respondents

Counsel for the Appellant : Smt.S.A.V.Ratnam

Counsel for the respondents : Sri P.Chakravarthy

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice A.Abhishek Reddy)

Assailing the order of the learned Single Judge passed in I.A.No.1 of 2019 in W.P.No.23019 of 2019, dated 22.10.2019, the present Writ Appeal is filed. By the said order, the learned Single Judge had observed as follows:-

The registering authority may not entertain a document for registration, if the same is covered by an order of injunction/interim order by the competent Court. Apparently, if no stay is granted as specifically averred by the petitioners, the jurisdiction of the registering authority entertaining deed of conveyance is not ousted. That being so, the Sub-Registrar-4th respondent is directed to receive and process the deed of conveyance as and when presented by the petitioners against Plot Nos.188 and 195 in Sy.No.62/Part and 62, Swaroop Nagar, Uppal Village and Mandal, Ranga Reddy District, if there is no injunction order issued by the competent Court, in accordance with law. If the 4th respondent has any other objection to register the document, he shall assign due reasons in support of the decision. Any such registration is provisional and subject to the result of pending suit and this writ petition.

2) It is the case of the appellant, who is arrayed as 5th respondent in the writ petition, that the learned Single Judge, without affording an opportunity, has passed the impugned order whereby the petitioners were permitted to alienate the property, which belongs to the appellant herein, and the same would not only create third party interest, but would also result in multiplicity of litigations.

3) The brief facts of the case are that the writ petitioners claim that they have entered into a Development Agreement-cum-General Power of Attorney with the owner of the property bearing plot Nos.188 and 195 in Sy.Nos.62/Part and 62, Swaroop Nagar, Uppal Village and Mandal, Ranga Reddy District,

and when they wanted to register some documents, respondents Nos.1 to 4 refused to entertain the said documents on the ground that the land in plot Nos.188 and 195 is entered in the Prohibitory Register and as per the endorsement made in the said register, the land is shown as 'covered by Court *status quo* order'. It is the case of the petitioners that there is no order of *status quo* granted by any civil Court in any of the pending suits between the petitioners and the appellant herein. Thus, non-entertainment of the documents submitted for registration by respondent Nos.1 to 4 is not only arbitrary, but also illegal and against the provisions of the Registration Act.

4) The learned Single Judge, after verifying the fact that there was no *status quo* order granted by any competent civil Court, has directed respondent Nos.1 to 4, by way of an interim order, to register the documents presented by the petitioners, if the same are in accordance with law and if there is no injunction order issued by the competent civil Court. Moreover, while passing the order in I.A.No.1 of 2019, the learned Single Judge has also observed *Any such registration is provisional and subject to the result of the pending suit and this writ petition.*

5) Aggrieved by the order passed by the learned Single Judge in I.A.No.1 of 2019 in W.P.No.23019 of 2019, the appellant has filed the present writ appeal mainly contending that by virtue of the impugned interim order, the petitioners will not only create third party interest, which will not only lead to

multiplicity of litigations, but the very object of filing the suit will be defeated.

6) Heard Smt. S.A.V. Ratnam, the learned Counsel appearing for the appellant, and Sri P. Chakravarthy, the learned Counsel appearing for the respondents.

7) Even though the Counsel for the appellant has argued, at length, she has not produced any injunction/*status quo* order passed by the competent civil Court either in the suit filed by the appellant, or in any other suit in respect of the subject land. The learned Counsel tried to impress upon this Court that *in spite* of filing an application for injunction, they were not able to secure the same for various reasons which were beyond their control, and they have been strenuously following up the said application for grant of stay, they could not do so.

8) It is seen that the order impugned in the present writ appeal is an interim order, which is granted in the Interlocutory Application. Yet, the appellant has not filed his counter or vacate stay petition in the writ petition. If really the appellant is aggrieved by passing of the orders impugned in the present writ appeal, he is at liberty to file an appropriate application before the learned single Judge for getting the interim order vacated or modified, but by-passing the said procedure, he has filed the present writ appeal.

9) Even other wise, the writ appeal is devoid of merits solely on the ground that the endorsement, which was impugned

in the writ petition, was made without there being legal order of *status quo* being passed by any competent civil Court. In the absence of any stay/injunction/*status-quo* order being granted by any competent civil Court, the registering authorities cannot enter the land in the Prohibitory Register and refuse to entertain any document presented for registration. If the appellant is having any stay orders, he is free to bring the same to the notice of the learned Single Judge by filing a vacate stay petition, or by way of counter and agitate his rights before the learned Single Judge.

10) In view of the above mentioned reasons, the order of the learned Single Judge does not suffer from any illegality or infirmity, the Writ Appeal is devoid of merits and the same is accordingly dismissed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

A.ABHISHEK REDDY, J

15th November, 2019
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