

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26051 OF 2019

Date: 26.11.2019

Between :

Venkat Rao Memorial Trust Laldarwaza,
Hyderabad, rep., by its President
Sri P.Brahmananda Chary S/o.Late P.Narayana Chary,
Aged about 78 yrs, Occu : Business,
D.No.23-5-723 to 725, Laldarwaza,
Hyderabad 500 002

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Registration and Stamps Department (Revenue),
Government of Telangana, Secretariat,
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 respondents 1 to 5.

2. The limited grievance of the petitioner in this writ petition is that the respondents 6 to 10 presented deeds of conveyance on land to an extent of Ac.61-00 in Sy.Nos.1270, 1271, 1272, 1274, 1281 and 1282 of Nandigama Village and Mandal, Ranga Reddy District. Petitioner having come to know about presentation of documents, it filed objections. In response to the objections filed by the petitioner, the Sub-Registrar, vide his letter No.55 of 2019 dated 04.05.2019, informed the petitioner that he cannot consider the objections, unless there is an order from the Court, imposing restriction on him, not to release the documents.

3. Learned counsel for the petitioner sought to contend that there is litigation pending between the petitioner-trust and respondents 6 to 10 in O.S.No.29 of 2007, in the Court of Principal District Judge, Mahaboobnagar District at Mahaboobnagar and continuously, the respondents 6 to 10 are creating false documents and inviting third party interest, when the issue is pending consideration before the competent civil Court and taking away valuable land belonging to the petitioner.

4. The only issue for consideration in this writ petition is whether the reply given by the Sub-Registrar informing the petitioner that its objections cannot be considered, is valid ?

5. The Sub-Registrar is required to receive the documents presented before him for registration. Once such document is presented for registration, the provisions of the Indian Registration Act, 1908 (for short 'the Act') and the Rules made thereunder are to be complied with, before accepting or rejecting the document for registration. The Act do not envisage third party role in this process. It is settled principle of law that mere registration of a document does not confer any title to the property. Title can validly pass on from one person to another by way of conveyance only if a person, who is executing the document to pass on the title, must have valid title vested in him. Therefore, the Act do not envisage third party claim being considered as no new right is created to any person by virtue of such sale transaction.

6. In O.S.No.29 of 2007 the petitioner herein is the plaintiff and sought for cancellation of registered sale deed, dated 04.08.2005, covering various extents of land mentioned therein and sought for perpetual injunction restraining the defendants 7 to 10 therein from illegal alienation, sale etc., and also sought further direction to the Sub-Registrar, not to register the suit lands.

7. As submitted by learned counsel for petitioner, no injunction was granted by the trial Court and the suit is still pending consideration before the trial Court.

8. Since the very same issue is pending before the trial Court and that there is no such provision prescribed in the Act, the prayer sought in the writ petition cannot be granted.

9. Thus, leaving it open to the petitioner to work out its remedies, as available in law, on any other issue, this Writ Petition is dismissed. Miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

26th November, 2019
Rds

