

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.41092 OF 2018

Date: 05.12.2019

Between:

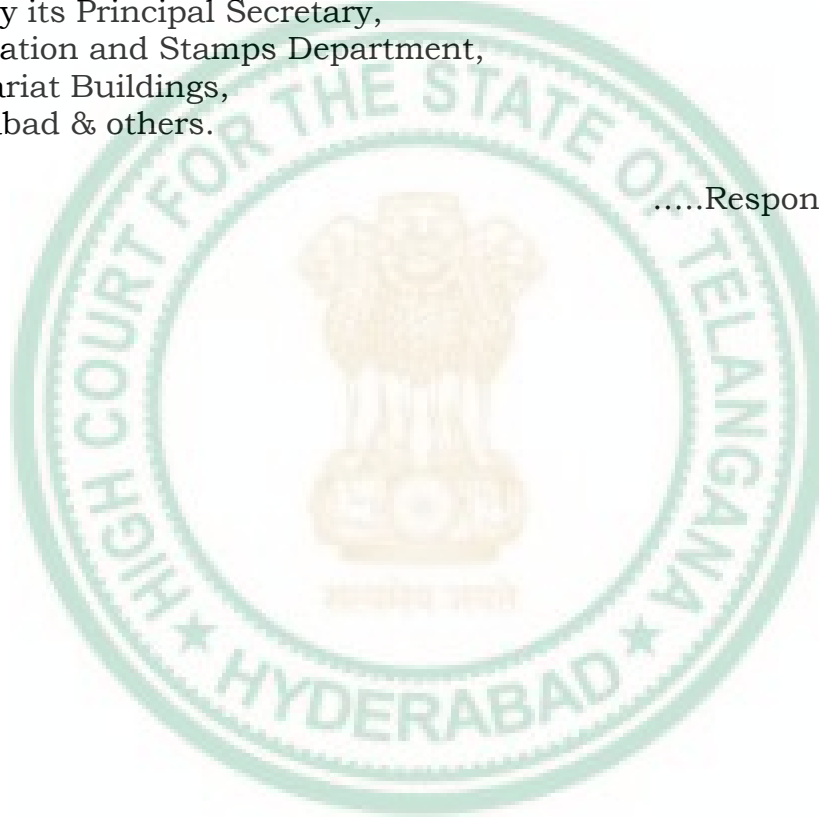
Sri T.Vinod Rao, S/o.T.Krishna Rao,
Aged about 46 yrs, Occu : Business,
R/o.Villa No.91, Vessella Villas,
Kondapur, Hyderabad, Telangana & another.

.....Petitioners

And

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

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 3 and Sri A.Yadav Reddy, learned counsel for respondent No.4.

2. Petitioners claim that they intend to purchase land to an extent of Ac.1-07 guntas in Sy.No.1 of Thimmaipally village, Keesara Mandal, Medchal-Malkajgiri District. When the deed of conveyance executed by the vendor and vendee, was presented for registration, the Sub-Registrar, by his order, dated 19.04.2018, refused to register the document on the ground that on the said property, an injunction order in I.A.No.417 of 2016 in O.S.No.453 of 2016 granted by the IX Additional Senior Civil Judge, L.B.Nagar, Ranga Reddy District, is operating. The Appeal No.02 of 2018 preferred by the petitioners was also rejected on 02.11.2018. Aggrieved thereby, this writ petition is filed.

3. When the matter is taken up, learned counsel for the petitioners and learned counsel representing the implead respondent submits that the subject property which petitioners purchased and the document sought to be presented concerns Ac.1-07 guntas in S.No.1 of Thimmaipally Village with boundaries, on the Northern side- Agricultural land of M.Narsimha, Southern side -Agricultural land of Kandadi Family, Eastern side- Agricultural land of T.R.Venkatesh & land of vendees and Western side- Agricultural land of M.Ramakrishna & M.Gopi, whereas, the subject matter of the

suit is land to an extent of Ac.5-00 in Sy.No.1 and part of Sy.No.2 to an extent of Ac.3-00 with boundaries on the Northern side- PWD road from Timmayapalli to Keesara, Southern side- Sy.No.3 of Narsaiah, Western side-Sy.No.1 remaining part and Sy.No.5 and Eastern side- Sy.No.2 part remaining land and subject land is not the same. I.A.No.417 of 2016 was considered by the learned trial Judge and by her order dated 15.12.2016 allowed the I.A., granting temporary injunction in favour of petitioner therein, restraining the respondents from alienating the petition schedule property. The vendors of the petitioners who were respondents 5, 6 and 7, in the said I.A., represented before the trial Court, that they are not claiming any right over petition schedule property within the boundaries. Taking note of the same, the trial Judge observed that no prejudice would be caused to them, if temporary injunction is granted in respect of petition schedule property.

4. Both counsels also submits that as the said lands are different, the injunction order does not come in the way of consideration of document for processing, for registration and the view taken by the Sub-Registrar, in refusing to register the document on the ground that injunction order is operating on the subject land is not valid.

5. Having regard to the above submissions, and the order passed by the trial Court on 15.12.2016, the Sub-Registrar, Keesara-3rd respondent is directed to process the deed of conveyance without reference to the earlier rejection order. However, he is directed to verify the boundaries of the petitioners land, vis-à-vis the subject matter of the suit and take

appropriate decision with reference to registration of deed of conveyance, strictly in accordance with the provisions contained in Section 71 of the Indian Registration Act, 1908.

6. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

5th December, 2019
Rds

