

**THE HONOURABLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.46778 OF 2018**

**ORDER**

The petitioner assails the order dated 17.11.2018 issued by the Sub-Registrar, Dhoodhbowli, Hyderabad, refusing to register the sale deed presented by her. Perusal of the said order reflects that the Sub-Registrar cited the injunction order dated 27.09.2018 in I.A.No.100 of 2018 in O.S.No.200 of 2018 as the ground for refusal.

Learned Assistant Government Pleader for Revenue, State of Telangana, was therefore directed to place on record a copy of the said order.

Today, the learned Assistant Government Pleader placed before this Court the injunction order dated 14.09.2018 passed by the learned XX Junior Civil Judge, City Civil Court at Hyderabad, in I.A.No.742 of 2018 in O.S.No.1944 of 2018. The said suit seems to have been instituted by the brother of the petitioner herein against one Syed Pasha and the trial Court granted an ad interim *ex parte* injunction restraining Syed Pasha from interfering with the possession of the petitioner's brother over the suit schedule property, viz., the house bearing No.19-3-294/9/21, Fatima Nagar, Bibi Ka Chasma, Jahanuma, Hyderabad.

Though the property which forms the subject matter of the sale deed in question appears to be the same as the suit schedule property in O.S.No.1944 of 2018, it may be noted that this was not the order which was cited by the Sub-Registrar, Dhoodhbowli, Hyderabad, as the reason for refusing registration of the document.

Learned Assistant Government Pleader would fairly concede that the order mentioned in the refusal order is of no relevance and that the

order dated 14.09.2018 passed in I.A.No.742 of 2018 in O.S.No.1944 of 2018 was the order that was relied upon.

However, as already noted, the aforestated interim injunction order has nothing to do with the petitioner. As the petitioner's brother secured an injunction against a third party by the aforestated order, the same cannot be a valid ground for refusing registration of the sale deed presented by the petitioner. The impugned refusal order dated 17.11.2018 passed by the Sub-Registrar, Dhoodhbowli, Hyderabad, is accordingly set aside. In the event the petitioner presents the sale deed for registration afresh, the Sub-Registrar, Dhoodhbowli, Hyderabad, shall receive and process the said document for registration in accordance with the due procedure. If it is otherwise found to be in compliance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899, the Sub-Registrar shall register the document and release it. If, for any reason, the Sub-Registrar deems it appropriate to refuse registration of the document, he shall pass a reasoned refusal order under Section 76 of the Registration Act, 1908 and communicate the same to the petitioner.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**30<sup>th</sup> JANUARY, 2019**

Sv

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**SANJAY KUMAR, J**