

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24979 of 2014

Dated : 28.08.2014

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Between:

V. Anil S/o. David,
Aged 28 yrs, Occu : Business,
Viswanadhapuram, Podili Mandal,
Prakasam District.

.. Petitioner

And

The Commissioner and Inspector General of
Registration and Stamps, Govt. of Andhra Pradesh,
Registration Bhavan,
M.J. Market, Hyderabad and others

.. Respondents

This Court made the following :

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ORDER :

The case of the petitioner is that he purchased 148.2 Square yards in Survey No.190/2 bearing Door No.11-465-16, Podili Village and Mandal, Prakasam District. The petitioner intend to dispose of the said property and when he approached the Sub-

Registrar, Podili, Prakasam District

(3rd respondent), the Sub-Registrar, informed the petitioner that the Commissioner and Inspector General of Registration and Stamps A.P., Hyderabad, issued memo No.G2/19134/2011 dated 01.12.2011 not to undertake any registration in view of order of injunction granted by the High Court at Madras.

2. Learned Counsel for the petitioner submits that such instructions are not valid in law and they are not in accordance with provisions contained in the Registration Act and therefore, referring to such instructions, Sub-Registrar could not have refused the request of the petitioner to process the deed of conveyance.

3. Learned counsel further submits that the issue of validity of the said memo was considered by this Court in W.P.No.34689 of 2012 and following the same, W.P.No.7874 of 2013 was disposed of by this Court vide order dated 18.03.2013 and observed that unless a Court of competent jurisdiction grants an injunction against the alienation of the properties in respect of which documents were presented for registration, the Registering Authority cannot refuse registration.

4. Having regard to the said submission, without expressing any opinion on merits, Writ Petition is disposed of directing the Sub-Registrar (3rd respondent), to receive and process the documents as and when presented by the petitioner in accordance with Indian Registration Act, 1908, and the Indian Stamp Act, 1899, if the document is otherwise in order except for the objection on the memo issued by the Commissioner and Inspector General of Registration and Stamps A.P., Hyderabad, dated 01.12.2011 and if the 3rd respondent is of the opinion that the deed of conveyance cannot be processed for registration for any other reason, he shall assign such reasons and pass an order and communicate the same to the party in accordance with Section 71 of the Registration Act, 1908. There shall be no order as to costs.

5. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

Date : 28.08.2014
Rds

JUSTICE P.NAVEEN RAO