

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

W.P.No.1444 of 2020

ORDER :

This writ petition is filed seeking a Mandamus declaring the action of the 3rd respondent in refusing to register six documents (P581/2019, P582/2019, P583/2019, P584/2019 P585/2019 and P816/2019) mentioned in the writ petition.

Learned counsel for the petitioner points out that although the writ has been pending since long, a counter has not been filed. He points out that for the very same building, in which these six sale deeds are now proposed to be executed, registrations were done earlier. Learned counsel points out that in the said building 18 apartments were constructed, out of which 12 were sold. The registration numbers of the 12 documents under which the flats were sold are described in para 6. Learned counsel points out that once the department accepted these 12 documents for registration, they cannot deny the registration for the other six documents on the ground that the classification of the land is shown as Government land. Learned counsel also relies upon the orders passed in WP.No.25533 of 2011 which pertains to the very same property in which the flats were initially constructed. He points out that the learned single Judge held that the respondents cannot refuse to register the sale deeds. The order in WP.No.15209 of 2009 for the

neighbouring land is also relied upon by the learned counsel for the petitioner. He therefore submits that retaining these six documents is not correct. He points out that in view of the limited issues that are raised, no further time should be given for the respondents to file its counter.

Learned Government Pleader for Registration agrees that the counter has not been filed despite the writ being pending from 2020. He points out that the action taken by the Sub-Registrar is correct and that as the land was classified as Gayyalu (Government land), the registration cannot be accepted. Learned Government Pleader submits that Registrar has rightly kept the documents pending for registration and the numbers given by the petitioner himself indicate the same. Therefore, he submits that the petitioner is not entitled to an order.

This Court after hearing the submissions notices that the development agreement for this property was registered as document No.1359/2012. Thereafter, after obtaining permission, a general power of attorney bearing document No.194/2012 was registered on 06.03.2012. Subsequently, 12 flats were sold and the details of the 12 flats are clearly mentioned in para 6 of the affidavit. Once all these documents are registered for parts of the very same property, this Court is of the opinion that keeping the correct batch of the documents pending registration i.e. P.581/2019 to

585/2019 and P816/2019 is incorrect. The order passed by the learned single Judge in WP.No.25533 of 2011 is also squarely applicable to the facts and circumstances of this case.

Hence, respondent No.3 is directed to register the documents and complete the registration of the six sale deeds bearing Nos.P581/2019 to P585/2019 and P816/2019, if they are otherwise in order within a period of four weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs. As a sequel, the miscellaneous petitions if any shall stand dismissed.

D.V.S.S.SOMAYAJULU,J

Date : 30.11.2021
KLP