
(2001) 09 AP CK 0003

In the Andhra Pradesh High Court

Case No : Writ Petition No. 13139 of 2001

M. Lakshminarayana and Others

APPELLANT

Vs

Sub-Registrar and Another

RESPONDENT

Date of Decision : 03-09-2001

Acts Referred:

Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 — Section 38D

Citation : (2001) 5 ALT 96

Hon'ble Judges : B. Sudershan Reddy, J

Bench : Single Bench

Advocate : E. Venkat Reddy, for the Appellant; Govt. Pleader for Revenue, for the Respondent

Judgement

B. Sudershan Reddy, J.—Heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue and at their request, the matter is taken up for final disposal at the stage of admission.

2. Rule nisi.

3. The petitioners in the instant writ petition pray for issuance of a Writ of Mandamus declaring the action of the first respondent herein in not receiving and registering the documents presented by the petitioners for sale of lands in Survey Nos. 326/2, 328/3 and 328/6 situated at Jangaon village, Warangal District as illegal and void.

4. The petitioners herein claim to be the owners of the lands admeasuring Ac. 2-24 guntas, Ac. 1-36 guntas and Ac. 1-38 guntas covered by the Survey Nos. 326/2, 328/3 and 328/6 respectively situated at Jangaon village Warangal District. The petitioners intend to sell the lands in question in favour of the proposed purchasers. The petitioners accordingly presented the documents before the first respondent herein for registration. The first respondent refused to register the documents on the ground that the second respondent herein passed

an order restraining any transaction whatsoever in respect of the lands in question. It is the said action, which is challenged in this writ petition.

5. In the counter-affidavit filed by the Sub-Registrar, Jangaon, it is stated that the Joint Collector, Warangal has passed an order in File No. E5/130/2001, dated 3-2-2001 in an appeal purported to have been preferred by one Hari Kishan and five others against the orders of the Mandal Revenue Officer, Jangaon in File No. A/4497/97, dated 26-12-2000 to maintain status quo until disposal of the appeal before him and not to alienate the properties in respect of the lands in question. It is stated that a copy of the said order is marked to the Sub-Registrar, Jangaon with a direction not to register any document in respect of the lands in question.

6. In my considered opinion, the order, if any, passed by the Joint Collector is binding upon the parties to the proceedings before the Joint Collector. The Joint Collector in purported exercise of the power u/s 38-D of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 could not have directed the Sub-Registrar not to entertain any documents whatsoever in respect of the lands in question. The Joint Collector has no such authority or jurisdiction to pass such an order. The interim order purported to have been passed by the Joint Collector is binding only upon the parties to the proceedings.

7. In the circumstances, the Sub-Registrar could not have declined to accept the very documents submitted by the petitioners for registration.

8. In the circumstances, there shall be a direction directing the first respondent-Sub-Registrar to accept the documents presented by the petitioners, scrutinise the same and if the proper stamp duty and registration fee is paid and the documents are otherwise in order shall register the same in accordance with law uninfluenced by the interim order passed by the Joint Collector.

9. However, this order shall not be construed as if the Court has expressed any opinion about the right, title and interest of the petitioners in the lands in question. The transaction, if any, between the petitioners and the prospective purchasers is at their own risk and consequences. This order does not confer any right, title or interest upon the petitioners in respect of the lands in question nor does it take away any of the existing rights of any of the parties before this Court or other parties who ever may be asserting their right, title and interest in respect of the lands in question. The order is confined only to judicially reviewing the order passed by the Joint Collector restraining the first respondent-Sub-Registrar from accepting the documents.

10. The writ petition is accordingly disposed of. No order as to costs.