
(2000) 02 AP CK 0037

In the Andhra Pradesh High Court

Case No : WA No. 1884 of 1999 and Batch

Mandadi Nirmala and another

APPELLANT

Vs

District Collector, Hyd. and others

RESPONDENT

Date of Decision : 16-02-2000

Acts Referred:

Registration Act, 1908 — Section 17

Citation : (2000) 2 ALD 725 : (2000) 2 ALT 64

Hon'ble Judges : P. Venkatarama Reddi, J;D.S.R. Verma, J

Bench : Division Bench

Advocate : Mr. G. Shiva Kumar Goud, for the Appellant; Government Pleader for Revenue, for the Respondent

Judgement

P. Venkatarama Reddi, J.—The appellants herein filed writ petitions praying for a writ to quash the communication dated 3-4-1998 of the Mandal Revenue Officer, Marredpally, Hyderabad district (R3) addressed to the Sub-Registrar, Bowenpally (R4) requesting the latter to stop registration of documents in respect of S.No.74, Marredpally paigali village till the disposal of the Land Grab Case. It is stated in the said letter that Survey No.74 is a Government land and a case has been filed in the special Court against Housing Societies which have occupied the Government land. The petitioners presented the sale deeds executed by certain persons who got the plots in question from Ravi Co-operative Housing Society Limited. The details of the registered sale deeds in favour of the vendors of the petitioners are furnished by the petitioners. The Sub-Registrar kept the registration pending and declined to release the documents after due endorsement of registration. The petitioners therefore filed the writ petitions and interim order was sought for to direct the 4th respondent to register and release the documents i.e., the sale deeds. The learned single Judge dismissed the WPMP in view of the order passed in WPMP No.21028 of 1999 in another writ petition. In that WPMP, another learned single Judge declined to grant interim order on the ground of pendency of land grab case in special Court. It was not brought to the notice of the learned single Judges who dismissed the WPMPs., that in a

similar case, where challenge was made to the same communication sent by MRO, the learned single Judge in his judgment dated 20-9-1999 in WP No.19640 of 1999 while observing that the letter of the MRO does not prima facie bind the Sub-Registrar, held as follows:

"Whatever that may be, the fact remains that the third respondent is bound to register the documents unless the provisions of the Registration Act put some obstacles and if he does not want to register the documents, he has to pass a speaking order. If the third respondent passes any order, the petitioners can take appropriate steps further in the matter. In the circumstances, the third respondent is directed to pass a speaking order either in favour of or, against the petitioners, within two weeks from the date of receipt of a copy of this order".

2. Pursuant to this order, the Sub-Registrar, it appears, passed a reasoned order and released the documents of the writ petitioners in Writ Petition No.19640 of 1999. In view of the order of the learned single Judge in Writ Petition No.19640 of 1999 directing the Sub-Registrar to pass a reasoned order in accordance with the provisions of the Registration Act, we are of the view that the impugned order in WPMP shall be set aside. We see no objection for granting the same direction in WP No.19640 of 1999, especially because, it is not a case where ex facie, it is revealed that some fraud is sought to be played by selling someone else's property without semblance of title. We therefore direct the Sub-Registrar to consider the question of registration of the documents in the light of the Registration Act after referring to the objection raised by the Mandal Revenue Officer and to pass appropriate orders according to law. In case it is decided to register and release the documents, appropriate endorsements shall be made on the documents referring to the factum of objection by the Revenue Department and the overruling of objection. It is made clear that the alienations in question will be subject to the result of Land Grab Case said to be pending in the Special Court.

3. The writ appeals are accordingly allowed. No costs.