

(2012) 04 AP CK 0011

In the Andhra Pradesh High Court

Case No : Writ Petition No. 10725 of 2012

Venkannagari Naveen Rao and Another

APPELLANT

Vs

Joint Sub-Registrar-I, Sangareddy and Another

RESPONDENT

Date of Decision : 16-04-2012

Acts Referred:

Citation : (2012) 4 ALD 142 : (2013) 1 ALT 41

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : M.S.R. Subrahmanyam, for the Appellant;

Final Decision : Dismissed

Judgement

L. Narasimha Reddy

1. The petitioners intended to purchase Ac.23-01 guntas of land in Survey Nos. 120/29, 30 and 32 of Pedda Kanjirla Village, Patancheru Mandal, Medak District. The sale deed was executed in their favour on 18.11.2011 by the vendors by names Raju Kumar Tandon, Shani Tandon, Praveen Dawar, etc. The document was presented before the Joint Sub-Registrar-I, Sanga Reddy-the first respondent. He refused to register the document by stating the reasons through memo, dated 30.01.2012. He stated that the document was presented on 03.12.2011, but before the registration was effected, he received information from one P.Vinod Kumar, Advocate, to the effect that orders of temporary injunction are operative vis-a-vis the land in two suits being O.S. No. 340 of 2011 on the file of the learned Principal Junior Civil Judge, Sanga Reddy and O.S. No. 120 of 2011 on the file of the Family Court-cum-VII Additional District and Sessions Judge, Sanga Reddy. The particulars of the Interlocutory applications in which the orders were passed were also mentioned. By referring to Standing Order No. 219 (b), the first respondent expressed his disinclination to register the document. The petitioners feel aggrieved by the said communication. The petitioners contend that the Joint Sub-Registrar-I, Sangareddy, the first

respondent, was not made a party to the suits nor they were impleaded therein. They relied upon a judgment of this Court in Thummalachetty Builders and Developers (Pvt.) Limited Vs. Commissioner and Inspector General of Stamps and Registration and Others,

2. Heard learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

3. The petitioners do not dispute that two suits referred to above are pending in relation to the land which is the subject matter of the sale deed presented by them for registration. Though it is stated that the orders of temporary injunction restraining the defendants in one particular suit were vacated, it is not denied that the order of temporary injunction passed by the Family Court is still subsisting. The vendors of the petitioners are parties to the suit.

4. Once it emerges that an order of temporary injunction restraining a specific individual from executing sale deed or otherwise transferring the properties has been passed by a Court of competent jurisdiction, the question of the Sub-Registrar admitting the documents executed by the defendants for registration does not arise. For the injunction to be operative, it is not necessary that the Sub-Registrar must be a party to the suit, nor the purchasers. It is enough if the persons who are executing the documents are made as parties to the suit and to the Interlocutory applications.

5. The petitioners relied upon an observation made by this Court in Thummlachetty Builders and Developers (Pvt) Ltd (cited supra). This Court did not held that an order of temporary injunction passed by a civil Court does not operate, unless the Sub-Registrar concerned is not made a party. It is only in the course of narration of facts that the Court was observing that neither the petitioners in the Writ Petition nor the Sub-Registrar were made parties to the suit in which an order of temporary injunction was granted. The principal ground which weighed with the Court in refusing the relief in the Writ Petition was that the suit, in which an order of temporary injunction was granted at one point of time, has been dismissed for default.

6. In the instant case, the suit is very much pending and the order of temporary injunction is in force. Therefore, no exception can be taken to the impugned communication. The Writ Petition is, accordingly, dismissed. It is left open to the petitioners to get themselves impleaded in the suit in which an order of temporary injunction was granted and renew their efforts in the event of the injunction being vacated either at their instance or at the instance of their vendors. There shall be no order as to costs.