



**HIGH COURT OF ANDHRA PRADESH**  
THURSDAY ,THE SEVENTH DAY OF MARCH  
TWO THOUSAND AND NINETEEN

**PRSENT**

**THE HONOURABLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION NO: 507 OF 2019**

**Between:**

1. GAMYA KARANAM MADHU S/o. Madhu Karanam, private service, R/o. 2951, S.King Drive, 1111, Chicago, Illinois, USA, Rep. through power of Attorney Holder Madhu Karanam, S/o. Sriramulu Pillai, aged about 55 years, R/o. 22/273/3, Lawyers Colony, Kattamanchi, Chitoor Town A.P.

**...PETITIONER(S)**

**AND:**

1. THE STATE OF AP Rep. by its Principal Secretary, Department of Revenue, secretariat, Gollapudi, Amaravathi, AP
2. THE COMMISSIONER AND INSPECTOR GENERAL OF STAMPS AND REGISTRATION 5-59, R.K.Spring Valley Apartments, Edupugallu, Kankipadu Mandal, A.P. Vijayawada
3. THE DISTRICT REGISTRAR Stamps and Registration, Tirupathi, Chitoor District.
4. THE JOINT SUB-REGISTRAR R.O., Chitoor,

**...RESPONDENTS**

**Counsel for the Petitioner(s): GOPALA RAO AMANCHARLA V**

**Counsel for the Respondents: GP FOR REVENUE (AP)**

**The Court made the following: ORDER**



2019:APHC:15380

IN THE HIGH COURT OF ANDHRA PRADESH  
(Special Original Jurisdiction)

THURSDAY ,THE SEVENTH DAY OF MARCH  
TWO THOUSAND AND NINETEEN



PRESENT

THE HONOURABLE SRI JUSTICE M.SEETHARAMA MURTI

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1. The State of AP, Rep. by its Principal Secretary, Department of Revenue, secretariat, Gollapudi, Amaravathi, AP
2. The Commissioner and Inspector General of Stamps and Registration, 5-59, R.K.Spring Valley Apartments, Edupugallu, Kankipadu Mandal, A.P. Vijayawada-521151
3. The District Registrar, Stamps and Registration, Tirupathi, Chittoor District.
4. The Joint Sub-Registrar, R.O., Chittoor,

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ or order or direction more particularly one in the nature of writ or mandamus, declaring the action of the respondent No.4 in not releasing the P.248 of 2018 dt. 29.06.2018 and P. 249 of 2018 dt. 30.06.2018 even alter registration of the sale deed and mortgage deed pertaining to the petitioner and consequently direct the respondents to release registered sale deed to the power of attorney holder of the petitioner

**IA NO: 1 OF 2019**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To direct the respondents to release the registered sale deed presented No. P.248 of 2018 dt. 29.06.2018 and P. 249 of 2018 dt. 30.06.2018 to the petitioner and/or to her power of attorney holder and pending disposal of the above writ petition.

**Counsel for the Petitioner:SRI. AMANCHARLA V. GOPALA RAO**

**Counsel for the Respondents: GP FOR REGISTRATION & STAMPS**

**The Court made the following: ORDER**



## THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.507 of 2019ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking verbatim the following relief:

“...to issue any writ or order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent No.4 in not releasing the P.248 of 2018 dt.29.06.2018 and P.249 of 2018 dt.30.06.2018 even after registration of the sale deed and mortgage deed pertaining to the petitioner and consequently direct the respondents to release registered sale deed to the power of attorney holder of the petitioner and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel appearing for the petitioner. Though no counter has been filed by the official respondents, learned Government Pleader appearing for the said respondents orally resisted the writ petition, based on the written instructions, dated 29.01.2019, a copy of which is placed on record. I have perused the material record.

3. The case of the petitioner, in brief, is this: 'One Muniamma was the owner of the house property bearing Municipal Door nos.18-697, 698 & 699 admeasuring 115 Sq. yards situated at Muthu Mestry Street, Chittoor Town. The petitioner purchased the said property from the said Muniamma for a valuable consideration of Rs.95,00,000/- after availing loan from M/s. Dewan Housing Finance Corporation Limited ('DHFL'). The petitioner paid huge stamp duty of Rs.4,74,100/-, vide challan, dated 14.06.2018. The petitioner paid transfer duty of Rs.1,42,500/- & Rs.19,000/- vide challans, dated 14.06.2018 & 29.06.2018. She had also



paid registration fee of Rs.95,000/- vide challan, dated 14.06.2018, along with user charges of Rs.250/- for registration of the sale deed executed by the said vendor in favour of the petitioner. When the document is presented for registration before the 4<sup>th</sup> respondent-Joint Sub Registrar, Chittoor, necessary receipt and presentation no.248 of 2018 were generated. However, the respondents did not release the document till date even after registration of the sale deed. The respondents also did not release the mortgage deed, which is related to the mortgage transaction in favour of the creditor. When the petitioner made enquiries, she came to know that the son of the vendor filed a suit for partition against the vendor and that a Civil Court passed orders not to alienate the property. However, as per the settled law, registration of a document cannot be stopped by the registration authorities for whatever reasons. The mere pendency of a partition suit does not prevent either the vendor from executing a registered sale deed or the purchaser from obtaining a registered sale deed. Since the property was purchased by availing loan from M/s. DHFL, the officers of the said Finance Company are harassing the petitioner for submitting house property sale deed and deed of mortgage; and, though the petitioner was not at fault, they are threatening the petitioner by stating that the petitioner has to face prosecution. The sale deed, after its registration has to be submitted to the Financier as per the guidelines of the Reserve Bank of India. Further, the memorandum of mortgage executed in favour of M/s. DHFL is also pending before the 4<sup>th</sup> respondent for registration; vide P.249/2018, dated 30.06.2018. The petitioner, who is a purchaser, is not a party to the litigation between the vendor and her son. Hence, the respondents ought to have released the sale deed and the mortgage deed. Hence, the present writ petition is filed.'



4. Learned counsel appearing for the petitioner, having reiterated the pleaded case of the petitioner, submits that the property is not admittedly in the list of prohibited properties under Section 22-A of the Indian Registration Act, 1908, and that the sale deed as well as the mortgage deed are being withheld without being released, merely because a suit for partition filed by the son of the vendor is pending and that in that suit an injunction is granted restraining the vendor from alienating the property.

5. Learned Government Pleader submitted as follows: 'The document nos.P.248 & P.249 were presented for registration before the 4<sup>th</sup> respondent-Joint Sub Registrar-I, Chittoor, on 29.06.2018 & 30.06.2018, respectively. The Presiding Officer of the Vacation Court/ District Court, Chittoor, passed orders, dated 28.05.2018, in I.A.no.260 of 2018 in O.S.no.95 of 2018 restraining the respondent in the said suit from alienating the subject property. As per Standing Order 219(b) of the Registration Manual Part-II, the registration of the above documents was kept pending. Further, the regular Presiding Officer of the VIII Additional District Court, Chittoor, made absolute, the order of interim injunction granted in the aforesaid suit. Hence, registration of the documents is kept pending. If the petitioner wants the documents to be registered, she has to approach the civil Court and get the injunction orders vacated. Having knowledge of the interim injunction orders, if the subject documents are registered & or released, the vendor as well as the petitioner would be exposing themselves for action for contempt/violation of the orders of temporary injunction granted by a civil Court. Further, the petitioner did not implead the son of the vendor, who filed the suit against her as a party respondent to the writ petition, though the petitioner is seeking a relief, which if granted



affects the rights of the said person. The registration of the documents would be aiding the parties to the suit as well as the petitioner herein to violate the injunction orders not to alienate the property, granted by a competent civil Court. If the Joint Sub Registrar concerned registers the documents and/or releases the same, he may also be exposed to the allegations that he had violated the injunction orders granted by a competent civil Court, having knowledge of the same. Hence, in the facts & circumstances, the Joint Sub Registrar is justified in not registering and releasing the documents bearing nos.P.248 & P 249.'

6. Since, on written instructions, the learned Government Pleader stated that the documents are pending registration, a clarification was sought as to whether the documents were registered and are not being released or whether the documents are kept pending even without registering the same. However, the learned counsel for the petitioner is unable to clarify the position. He stated that he is also not aware of the actual position.

7. I have given earnest consideration to the facts & submissions.

8. It is fairly conceded that the Civil Court's injunction orders referred to above are in force. It is settled law that a Court while exercising a judicial function would ordinarily not pass an order, which if passed, would make the parties to the *lis* or a third party to violate a lawful order passed by another Court. No public servant shall perform an act, which if performed, would result in encouraging a party to the *lis* to violate a lawful order of a Court. Therefore, the Joint Sub Registrar concerned is justified in keeping the registration/and or release of the subject documents with numbers P 248 & P 249 pending. As long as the above said injunction orders are in operation, the petitioner cannot seek



the relief claimed in the writ petition by invoking the equity jurisdiction of this Court. Doctrine of comity or amity requires this Court not to pass an order, which comes in conflict with the injunction orders passed by a competent Court of law.

9. In the result, the Writ Petition is dismissed.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- V. DIWAKAR  
ASSISTANT REGISTRAR

*[Signature]*  
SECTION OFFICER

One Fair Copy to the Hon'ble Sri. Justice M. SEETHARAMA MURTI  
(For His Lordships Kind Perusal)

To,

1. 9 LR Copies
2. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi.
3. The Secretary, Advocate Association Library, High Court of Andhra Pradesh.
4. One CC to Sri. Amancharla V. Gopala Rao, Advocate (OPUC)
5. Two CCs to the GP for Registration & Stamps, High Court of Andhra Pradesh. (OUT)
6. Two CD Copies.

PM

*[Signature]*



2019:APHC:15380





2019:APHC:15380

HIGH COURT

DATED:07/03/2019

ORDER

WP.No.507 of 2019

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①

Dismissing the WP

Without costs.

LR

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