

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOURTEEN

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Present
HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.40931 of 2014

Between:

D. Ramachandra Reddy,
S/o. Late D. Gali Reddy,
Aged 86 years, Occ: Agriculture,
Padidempadu Village,
Kurnool Mandal, Kurnool District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department (Stamps & Registration),
Secretariat Buildings, Hyderabad & 3 others

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Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40931 of 2014

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

2. The plea of the petitioner is that he is the owner of land to an extent of Ac. 1.01 cents in Survey No.63/A1 and Ac. 3.10 cents in Survey No.70/A1 (total extent of Ac. 4.11 cents), situated at Padidempadu Village Fields, Kurnool Mandal, Kurnool District. Petitioner intend to dispose of the said property and a Deed of Conveyance was drawn and presented before the

Joint Sub-Registrar, Kurnool District (4th respondent). But the Joint Sub-Registrar is refusing to register the said document.

3. Learned counsel for petitioner submitted that the Joint Sub-Registrar cannot refuse the Deed of Conveyance presented before him at the threshold and such decision of the Joint Sub-Registrar is without jurisdiction and competence.

4. The Registering Authority has to act in accordance with the provisions contained in the Registration Act, 1908, and

the Indian Stamp Act, 1899. The Registration Act, 1908, envisages the power on the Registering Authority to receive a Deed of Conveyance presented before it and process the same in accordance with the provisions of the Registration Act, 1908, and the Indian Stamp Act, 1899, and if there are any valid reasons for refusing such registration, the Registering Authority should assign reasons, pass an order and communicate the same to the party under Section 71 of the Registration Act, 1908. Thus, the refusal of deed of conveyance at the threshold is without competence and jurisdiction. However, no proof is filed in support of the contention that the registering authority refused to receive the document when presented by the petitioner.

5. For the aforesaid reasons, without expressing any opinion on merits on the issue, the Writ Petition is disposed of giving liberty to the petitioner to present the Deed of Conveyance with regard to the property claimed to have been owned by him in Survey Nos.63/A1 and 70/A1, situated at Padidempadu Village Fields, Kurnool Mandal, Kurnool District, before the Registering Authorities. As and when such document is presented, the Registering Authority shall receive and process the same in accordance with the Registration Act, 1908, and the Indian Stamp Act, 1899. If the Registering Authority is of the opinion that the document is otherwise in order, he shall register and release the document. If according to the registering authority, the document cannot be processed for registration he shall assign due reasons, pass an order and communicate the same to the petitioner under Section 71 of the Registration Act, 1908. In such an event, the petitioner is entitled to work out his remedies. Such exercise shall be

completed by the Joint Sub-Registrar, Kurnool District (4th respondent) within a period of three (3) weeks from the date of presentation of the document. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

RAO, J

P.NAVEEN

Date: 31st December, 2014

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 31st December, 2014

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