

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.41315 of 2014

Between:

Ala Venkata Subbaiah,
S/o. Ala Appa Rao,
Aged about 45 years, Occ: Business,
R/o. Door No.1-90, Pothuru,
Old Guntur, Guntur City.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Stamps & Registration Department,
Secretariat Buildings, Hyderabad & 4 others

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Respondents

The Court made the following:

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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 purchased property bearing D.No.63/2 to an extent of Ac. 1.03 cents and D.No.63/3 to an extent of Ac. 0.44 cents (total extent of Ac. 1.47 cents), situated at Chowdavaram Revenue Village, Guntur Municipality, Guntur District. When the petitioner presented documents before the Sub-Registrar-I, Prathipadu, Guntur District (5th respondent), the Sub-Registrar-I refused to register the said documents.

3. Learned counsel for petitioner submitted that the Sub-Registrar cannot refuse the documents presented before him at the threshold and such decision of the 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

document 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 document 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 documents with regard to the property claimed to have been owned by him in D.Nos.63/2 and 63/3, situated at Chowdavaram Revenue Village, Guntur Municipality, Guntur District, before the Registering Authorities. As and when such documents are 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 documents are otherwise in order, he shall register and release the documents. If, according to the registering authority, the documents 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

Sub-Registrar-I, Prathipadu, Guntur District (5th respondent)

within a period of three (3) weeks from the date of presentation of the documents. 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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