

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.5262 of 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue (AP).

The petitioners pray for a *mandamus* declaring the action of respondent Nos.2 and 3 in not considering the protest/objection petition, dated 16.02.2015, in regard to registrations of property covered by survey No.77/2 of Maruproluvaripalem Village, Bapatla Mandal, Guntur District, as illegal and contrary to Rule 58 of the Andhra Pradesh Rules under the Registration Act, 1908, (for short 'the Rules').

Rule 58 of the Rules reads as follows:

"58. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic."

The case of the petitioners is if a case is brought to the notice of respondent Nos.2 and 3 under Clauses (a) to (e) of Rule 58 of the Rules, the same is required to be considered.

Learned Government Pleader for Revenue (AP) submits that the consideration cannot be expanded through these protest/objection petitions.

Having considered the above circumstances, the respondents are directed to consider the representation, dated 16.02.2015, as and when the registration of subject property arises strictly within the scope of Rule 58 of the Rules.

The Writ Petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V. BHATT, J

04th March, 2015

GHN