

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.16893 OF 2013

ORDER:

The petitioner prays for mandamus declaring the action of the third respondent in refusing to receive Memorandum of Agreement dated 20.05.2013 alleged to have been executed by Sri Vittal Rao and three others in favour of the petitioner-company as illegal and amounts to refusal to exercise the jurisdiction conferred on the third respondent by the Registration Act.

2. The writ prayer presupposes that the petitioner, in fact, attempted to present the said agreement for registration and the third respondent declined to receive the same. Had it been a case where the petitioner is in a position to *prima facie* show actual presentation of said document, the grievance can certainly be considered within four corners of law and directions issued. The affidavit is silent on this aspect.

3. The third respondent filed counter affidavit and it is categorically asserted that the petitioner never appeared before the third respondent much less presented any document for registration. The alleged rejection on 05.06.2013 is untenable.

4. Having regard to the circumstances on the ground that there is no cause of action, this Writ Petition is dismissed. It is open to the petitioner to appear and present the document for consideration in accordance with law by the third respondent. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

S.V. BHATT, J

Date: 24.02.2015

MVA

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