HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.37282 OF 2014

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader.

The petitioners pray for Mandamus directing the

2nd respondent to register pending document No. 118/14 dated 22.07.2014 without insisting the petitioners to produce pattadar passbook/title deeds for completion of registration of pending document.

The subject matter of the writ petition is an extent of Ac.1-50 cents in Sy.No.462/A/4 of Gudur Village, Kadapa Rural Mandal, Kadapa District. The petitioners rely upon registered sale deeds dated 30.06.1922 and 01.11.1922 in assertion of the petitioners' right and title to the subject matter of the writ petition. Ever since, the petitioners and their predecessors-in-interest claim to be in continuous possession and enjoyment of Sy.No.462/A/4.
On 22.07.2014, the petitioners being members of the same family entered into a family settlement and reduced the settlement to written deed dated 22.07.2014. The document was presented for registration and the 2nd respondent has assigned pending document No.118/14 to the settlement deed dated 22.07.2014.
The petitioners filed W.P.No.29257 of 2014 complaining inaction in registration by the 2nd respondent. The writ petition was disposed of through order dated 20.10.2014. The 2nd respondent in purported compliance of order dated 20.10.2014 communicates to petitioner the letter dated 10.11.2014 calling upon the petitioners to produce pattadar passbook/title deed with the names of one of the parties to the settlement deed as condition to complete registration. Hence, the writ petition.

The learned counsel for the petitioners submits that the refusal to register a document can primarily be referred to Section 22-A of the Registration Act or other provisions which deal with appearance of parties etc. The production of pattadar passbook/title deeds is not a statutory requirement under the Act. Admittedly, the subject matter of the writ petition is not included in the prohibitory list prepared under Section 22-A of the Act. Further, the learned counsel relies upon the possession certificate dated 13.11.2014 issued by Tasildar, Kadapa Mandal, Y.S.R District, which reads as follows:

"This is hereby confirmed that as per revenue records S.No.462/A4 to an extent of Ac.1.49 cents of Gudur Village, Kadapa is a patta land, which stands in the name of Late Sri bettam Obigadu.

The legal heirs of late Sri Bettam Obigadu have been in possession and enjoyment of the said property.

Sd/-

Place: Kadapa Tahsildar

Date: 13.11.2014 Kadapa Mandal,

YSR District"

The learned counsel further contends that the petitioners are not under legal obligation to produce pattadar passbook or title deed. Had it been a case where at the time of implementation of revenue record the names of petitioners are included in 1B register, they could have certainly produced the pattadar passbook.

On the other hand, one of the reasons for executing the partition deed dated 22.07.2014 is for the purpose of getting the names of legal heirs of original purchaser entered in the revenue records. Therefore, insistence to produce pattadar passbook/title deed is without authority and contrary to the provisions of the Registration Act.

The learned Government Pleader, on instructions, submits that the letter dated 10.11.2014 is addressed to the petitioners to complete the registration. The details of pattadar passbook/title deeds are required to be fed into data base at the time of registration according to the software programmed by the Department. If the column is left blank, the registering authority is required to explain to the District Registrar for not providing details in the column meant for this purpose. So, to keep the document complete and in accordance with the software being operated by the Registration Department, the letter dated 10.11.2014 is addressed to petitioner and no exception can be taken by the petitioners.

Prima facie, from the material available on record, it appears that the subject matter of the writ petition was subjected to
sale and purchase as early as 30.06.1922. From the possession certificate issued by the Tahsildar it would further go to show that the legal heirs are the successors of the vendee under document dated 01.11.1922. The petitioners have stated the reasons for not possessing pattadar passbook and title deed. It is understandable if

production of pattadar passbook/title deed is a requirement under the Registration Act, certainly the 2nd respondent can call upon the petitioners to produce pattadar passbook/title deed. If software is developed which is over and above the requirements stipulated under the Registration Act, keeping the document as pending for want of those details, is unauthorized or illegal exercise of jurisdiction under the Act.

Hence, the writ petition is ordered by directing the

2nd respondent to complete the registration without reference to communication dated 10.11.2014, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

S.V.BHATT, J

27th April, 2015

Lrkm