

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.37902 OF 2014

ORDER:

Heard learned counsel for the petitioners and the Government Pleader.

The petitioners pray for Mandamus and complain against the 5th respondent in not entertaining the documents presented for registration in respect of the lands in an extent of Ac.1-18 cents of the 1st petitioner, Ac.1-19 cents of the 2nd petitioner and Ac.1-18 cents of the 3rd petitioner, all in Sy.No.245/1 of Eedulabalapuram Village, Somandepalli Mandal, Anantapur District, as illegal and amounts to refusing to exercise the jurisdiction conferred on the 5th respondent.

The case of petitioners is that the petitioners are the absolute owners and possessors of petition lands. The 4th respondent in recognition of right and title issued pattadar passbook. In the record of right, the nature of acquisition of petitioners is shown as 'own'. Therefore, refusal in these circumstances to receive the document for registration amounts to abdication of duty under the Registration Act, 1908.

The learned Government Pleader resists the writ petition primarily on the ground that the writ petition is filed without a cause of action and there is hardly anything to infer that the petitioners, in fact, attempted to present document for registration for the survey number referred to above. He further submits that *de hors* the above objection, the petition land is an assigned land and the 5th respondent cannot entertain registration in view of statutory bar.

The grievance of petitioners in the present writ petition is

against non-receipt of document presented for registration by the petitioners. The petitioners if intend to present a document for registration for the survey number referred to above, the 5th respondent is directed to receive, process the document for registration and at the time of such consideration, the 5th respondent is free to pass appropriate orders.

The writ petition is, accordingly, disposed of with the above observation. There shall be no order as to costs.

This Court is not expressing any view on the entitlement of petitioners as well as assertion of respondents. It is for the 5th respondent at appropriate time to consider and pass orders.

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

S.V. BHATT, J

20th January, 2015
Lrkm