

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.33330 of 2013

ORDER:

The petitioners pray for Mandamus declaring the action of respondents in not attending the sale deeds and other documents submitted by the petitioners in an extent of Ac.5.05 guntas covered by Sy.No.445 Nakrekal Village, Nalgonda District as illegal and amounts to refusing to exercise the jurisdiction conferred on the 4th respondent by the Registration Act, 1908 (for short 'the Act').

Learned counsel for the petitioners tried to persuade this Court that the action complained in the writ petition suffers from illegality and failure to exercise the jurisdiction vested in 4th respondent.

Learned Government Pleader submits that in anticipation of not attending or not acting under the Act, the present writ petition is filed and in fact, according to the submission of learned counsel, the writ petition is bereft of cause of action.

Perused the material available on record and considered the submissions of learned counsel appearing for the parties.

Had it been a case where the petitioners in fact have presented a document for registration, which is compliant of all requirements and the 4th respondent refuses to act in the matter, appropriate orders as the circumstances warrant, can be passed. But in the case on hand, admittedly, no document was physically presented before the 4th respondent.

On the short ground that for the present, there is no cause of action to canvass the grievance, the writ petition is dismissed. No order as to costs.

However, by leaving it open to the petitioners to present and pursue the document for registration for the subject matter of the writ petition and it is for the 4th respondent to consider the document so presented whether it conforms to requirements of the Act and prohibition under Section 22-A of the Act is attracted.

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

S.V. BHATT, J

Date: 20.01.2015
KLP