

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.37903 OF 2014

ORDER:

Heard learned counsel for the petitioner and the Government Pleader.

The petitioner prays for Mandamus and complains against the 5th respondent in not entertaining the documents presented for registration in respect of the land in an extent of Ac.0-60 cents in Sy.No.306/2 of Kappalabanda Village, Puttaparthi Mandal, Anantapur District, as illegal and amounts to refusing to exercise the jurisdiction conferred on the 5th respondent.

The case of petitioner is that the petitioner is the absolute owner and possessor of petition land. The respondents in recognition of right and title issued pattadar passbook. In the record of right, the nature of acquisition of petitioner 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 petitioner, 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 petitioner in the present writ petition is against non-receipt of document presented for registration by the petitioner. Therefore, the petitioner if intends 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 consideration for registration, 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
petitioner 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