

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.1692 OF 2014

DATED:17.03.2015

Between:

Ramichetty Venkataswamy.

...Appellant.

And

The District Collector, Chittoor District and others.

... Respondents.

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WRIT APPEAL NO.1692 OF 2014

JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Learned Government Pleader for Revenue accepts notice of the appeal.

We admit the appeal and dispose of the same finally by the following order.

This appeal is directed against the judgment and order of the learned Trial Judge, dated 20.10.2014, by which His Lordship has been pleased to dismiss the writ petition holding that the contention raised in the writ petition involves disputed question of fact.

In this context, we have examined the scope of the writ petition. As rightly pointed out by Sri L. Ravichander, learned Senior Counsel appearing for the appellant – writ petitioner, that the appellant's grievance before the learned Trial Judge was not for declaration of title and the grievance was in relation to refusal of the registering authority to register a document presented. The refusal is purported to have been made pursuant to a direction given by respondent Nos.1 and 2. Overruling the contention of the learned Government Pleader appearing for the respondents, we are of the opinion that these two authorities have no power to issue such direction to the statutory authority under the Registration Act, 1908. In any view of the matter, no provision of law has been shown before us that these two officers have any power to give any direction to the registering authority.

Under these circumstances, we direct the Registrar concerned

to receive the document in question and examine (i) whether the document is compulsorily registerable one and (ii) whether it is otherwise registerable under the law. If these two conditions are satisfied, registration of the document, on payment of requisite fee and other charges, is a matter of course. Mere registration of a document does not create any title better than what is having with the transferor. The learned trial Judge, it appears, thought that with the registration of the document the writ petitioner would be declared owner automatically. In fact, the learned Trial Judge has not dealt with the real issue involved in the writ petition.

We therefore allow the appeal and set aside the impugned order directing the registering authority to complete the aforesaid exercise within a period of four weeks, without fail.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

17.03.2015

GJ / BNR