

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

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WRIT PETITION No.7077 of 2016

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ORDER:

Petitioner's grievance is that when she attempted to sell the property, belonging to her, admeasuring Ac.0.03 cents or 145.2 Sq.yards in Survey No.529 of Chemmumiahpet of Kadapa Mandal, respondent No.4 has orally refused to register it on the ground that the subject property belongs to respondent No.3.

2. Learned counsel for the petitioner contends that the petitioner has obtained information under the Right to Information Act, which does not disclose that the said property belongs to respondent No.3.

3. The learned counsel for respondent No.3 sought to contend that the property claimed by the petitioner belongs to respondent No.3.

4. Learned Government Pleader for Revenue states that respondent No.4 will receive the documents submitted by the petitioner for registration and if he is not inclined to register it, he will pass an order under Section 71 of the Registration Act, 1908, within four

weeks from the date of submission of documents for registration.

5. There is no provision under the Registration Act, 1908 entitling the Sub-Registrar to go into issues of title to the property. Therefore, any objection which respondent No.3 may have to the title of the petitioner has to be adjudicated in the Wakf Tribunal constituted under the Wakf Act, 1995 and the Sub-Registrar cannot decide the title of respondent No.3, if the property in question is not mentioned in the communication received by respondent No.4 from respondent No.3 as one notified under the Wakf Act, 1995.

6. Therefore, the writ petition is disposed of directing respondent No.4 to receive the documents submitted by the petitioner for registration and if he does not wish to register, he shall pass an order under Section 71 of the Registration Act, 1908 within four weeks from the date of submission of documents for registration by giving reasons why he does not wish to register it and communicate the same to the petitioner. No costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

15th March, 2016

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