

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.18528 OF 2016

ORDER:

This Writ Petition is filed against the order, dated 08.06.2016, passed by respondent No.2 stating that as per the provisions of the Registration Act, 1908, if the document is presented for registration, registration cannot be stopped on the ground stated in the objection petition, dated 08.06.2016, and the petitioner has to approach the Court of law.

Learned counsel for the petitioner submits that though the petitioner has filed objection petition on 08.06.2016 objecting registration of the lands covered by Survey Nos.79/7 and 79/8 situated at Nammivanipeta Village, Hamlet of Sangivalasa, Bheemunipatnam Mandal, Visakhapatnam District, on the ground that civil suits in O.S.Nos.436 and 437 of 2013 on the file of VI Senior Civil Judge, Visakhapatnam, are pending and though the registering officer is bound to consider the objections under Rule 58 of the Andhra Pradesh Rules under the Registration Act, 1908 (for short, 'the Rules'), respondent No.2 without considering the objections in proper perspective and overlooking the same passed the impugned order.

Rule 58 of the Rules reads as follows:

“58. It forms no part of a Registering Officer’s duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:

(a) that the parties appearing or about to appear

before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative,

assign or agent, has no right to appear in that

capacity;

(d) that the executing party is not really dead as

alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or

a lunatic.”

The objections filed by the petitioner on 08.06.2016 do not go to show that they fall under clauses ‘a’ to ‘e’ of Rule 58 of the Rules. When the objections do not pertain to clauses ‘a’ to ‘e’ of Rule 58 of the Rules, the registering officer has no power to go beyond the same. More so, as against the impugned order, an appeal lies under Section 72 of the Registration Act. In view of the same, I

do not see any reason to entertain the Writ Petition. However, it is needless to mention that mere registration of the document does not confer any right as per the Full Bench decision of this Court in **Vinjamuri Rajagopala Chary v. State of Andhra Pradesh**^[1].

Hence, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

REDDY, J
June 15, 2016
MD

A. RAJASHEKER

^[1] 2016 (2) ALD 236 (FB)