

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9729 OF 2016

-

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in not considering the representation dated 02.03.2016, made by the petitioner, as illegal and arbitrary and for a consequential direction to the 3rd respondent to consider the representation of the petitioner.

The case of the petitioner is that she has undivided 1/10th share in the land bearing Sy.No.47 out of an extent of Ac.7.19 guntas, out of total land admeasuring Ac.14.38 guntas, situated at Mallapur village, Uppal Mandal, R.R.District; and that when the share of the petitioner was refused by the co-sharers, the petitioner and another filed OS.No.414 of 1997 before the II Additional Senior Civil Judge, R.R.District and a preliminary decree was passed on 02.04.1999, declaring that the petitioner is entitled to 1/10th share in the aforesaid land. Later, as per the preliminary decree the parties of the suit entered into a settlement which was reduced into writing and the petitioner was allotted her 1/10th share. Ever since the allotment, the petitioner was in absolute possession and enjoyment of the said property. While so, the petitioner came to know that some third parties who have absolutely no right whatsoever are trying to create some registered documents by presenting the same before the 3rd respondent. As such, the petitioner submitted a representation dated 02.03.2016 to the 3rd respondent requesting not to entertain any registration in respect of the property allotted to her share. The 3rd respondent though endorsed acknowledgment of the

representation, orally stated that he is not going to stop any registrations basing on the petitioner's representation. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned Assistant Government Pleader for Revenue submits that unless there is any injunction or decree granted by the Civil Court against the respondent authorities, they cannot refuse to entertain any document for registration as per the standing orders.

The grievance in the writ petition appears to be a private dispute and the registering authority cannot examine the title of the person executing the document and refuse to register the document. The title of the petitioner and third parties cannot be decided in the writ petition. In view of the same, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner to avail appropriate remedy available under law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

28.03.2016
tk