

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.31167 OF 2017

DATED : 15.09.2017

Between :

Amanana Kamaraju S/o.Venkataratnam,
Aged about 72 yrs, Occu : Cultivation and business,
R/o.Ambakhandi, Regidi Amadalavalasa Mandalam,
Srikakulam District.

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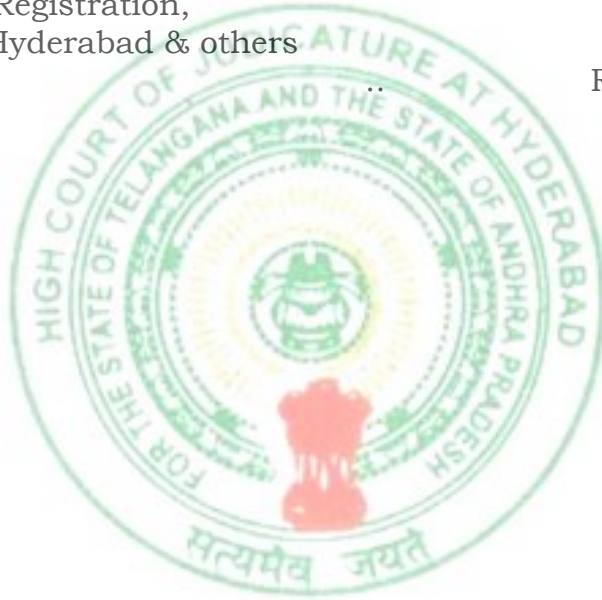
Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
Stamps and Registration,
Secretariat, Hyderabad & others

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims to be the owner of land to an extent of Ac.9-75 in Sy.No.54/1, bearing patta No.730, Ponugutivalasa Village, Rajam Taluk Srikakulam District. This writ petition is filed alleging that the Registrar is entertaining the documents concerning the subject properties without insisting for registered link documents as required by Section 17, 23 and 24 of the Registration Act, and the same is illegal. Petitioner seeks for issuance of Mandamus to direct the 3rd respondent not to entertain registration of documents without insisting the registered link documents in respect of the above property. The pleadings in the affidavit filed in support of the writ petition would disclose that petitioner instituted O.S.No.15 of 2016 for declaration of title and the same is pending in the Court of District Judge, Srikakulam.

3. No pre-emptive direction can be issued to the registering authority against entertainment of documents by him for registration more so no general direction can be issued. Since the petitioner has already instituted the suit, effective forum is available to him to seek appropriate direction pending disposal of the suit. Even if what is alleged by the petitioner is true that the registering authority is entertaining the deed of conveyance without supported by link documents showing flow of title, petitioner has to work out his remedies against the document that may be registered, but cannot ask a general direction, even before

the document is presented. The registering authority is bound by the procedure envisaged under the Registration Act and the Rules made thereunder. Rule 58 prescribes five conditions whereunder, objection against the document presented for registration can be considered. It cannot be expected that the registering authority would not follow the procedure prescribed as stipulated under the Act and Rules. Therefore, at this stage, no direction as sought for can be granted.

4. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies as available in law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

15th September 2017
Rds

P.NAVEEN RAO,J

