

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28552 OF 2017

Dated:28.08.2017

Between:

Kalubandi Jeevamma, W/o. Late Bhaskara
Rao, Age about 83 years, R/o.M. Lingapuram
Village, Kothapalli Mandal, Kurnool
District, Andhra Pradesh

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Registration
And Stamps Department, Secretariat,
Velagapudi, Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Petitioner alleges that her husband was assigned land to an extent of Acs.5.00 in Survey No.51/C1 situated at M. Lingapuram Village, Gokavaram Revenue Village, Kothapalli Mandal, Kurnool District. Petitioner states that her husband alienated the said land and the documents were also registered in the year 1992. Her husband died in the year 2003. According to petitioner, after death of her husband, her name was mutated in 1B Adangal and revenue records and thereafter pattadar passbook and title deeds were issued in her favour in the year 2010. While so, alleging illegal interference by third parties, petitioner filed O.S.No.115 of 2011, which is pending on the file of Junior Civil Judge, Atmakur. In I.A.No.488 of 2011, learned Judge granted injunction in favour of the petitioner and in this Writ Petition, petitioner seeks direction to the registering authorities to cancel the registered document mentioned in the prayer against the prohibited lands under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act 1977') and to direct respondents 5 to 7 to consider the representation of the petitioner dated 03.06.2017 and to cancel the illegal registered documents.

2. As noted above, prayer in the Writ Petition is to cancel the documents registered in the year 1992 by the husband of the petitioner in favour of the parties whose names are mentioned in those documents. No provision in the Registration Act is brought to the notice of this Court that vests power in the authority to

cancel the registered document on an application made, as is contended by the petitioner, even assuming that such registration was contrary to the provisions of the Act. At the stage of registration of the document, the registering authority cannot go into the veracity of the ownership or entitlement of the person undertaking the transaction of sale of the immovable property. The authority can refuse to register the document when land therein shown was included in the list of prohibited properties or any of the conditions mentioned in Rule 58 of the Rules framed under the Registration Act are attracted. Once the document is registered, no power is vested in the registering authority to cancel the document already registered. If the petitioner has any grievance regarding violation of the conditions of the Act, 1977, she has to avail the provisions of the Act, 1977, but no relief as sought for can be granted even before such remedy is availed and appropriate decision is taken under the Act, 1977. Therefore, the Writ Petition is liable to be dismissed in *limine*.

3. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:28.08.2017

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