

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33381 OF 2017

Dated:06.10.2017

Between:

Adimulapu Subhashini, W/o. Late Sudhakara
Rao, aged 58 years, Occ: Household,
R/o. S.C. Colony, Rayavaram Village,
Markapur Mandal, Prakasam District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Revenue (Stamps and Registration)
Department, Secretariat, Velagapudi,
Amaravathi, Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.33381 OF 2017****ORDER:**

Heard.

2. Petitioner alleges that her younger brother, Kondepogu Ajay, is the owner and possessor of house property bearing D.No.12-11-118 constructed in an extent of 62.50 sq. yards in Shalem Nagar, Narasaraopet Town and Mandal, Guntur District. She further alleges that the said property belongs to their ancestors and her brother succeeded to the said property from their mother. According to petitioner, her younger brother intended to settle the said house property in her favour and accordingly gift deed was drafted on 23.09.2015, paid the requisite amount towards registration and stamp fee by way of challan dated 23.09.2015 and the document was presented for registration. Petitioner now alleges that the Registrar having received the document kept the same pending with him without undertaking registration process even though all the required formalities were completed and even though her brother, Kondepogu Ajay, was also present and scribed his signatures.

3. As seen from the material on record, it appears that on 23.09.2015 all the formalities were completed and petitioner might have presented the document for registration, but the Death Certificate, dated 14.10.2015 issued by the Narasaraopet Municipality, Guntur District, would disclose that on the same day the original owner of the property i.e., Kondepogu Ajay died. Therefore, the question of presence of K. Ajay before the Registrar

and the Registrar undertaking the process of registration of the document on or before 23.09.2015 does not arise. Though it is stated in paragraph No.4 of the affidavit filed in support of the Writ Petition and in the prayer that the document was already registered, learned counsel for the petitioner fairly submits that the registration formalities were not completed before the death of K. Ajay. Since the document was not registered before death of K. Ajay, the question of entertaining the document and taking a decision on the document by the registering authority is a futile exercise.

4. As the facts are not in dispute, the prayer sought for by the petitioner to hold that not releasing the document in her favour as if the document was already registered cannot be granted and the Writ Petition is liable to be dismissed.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out her remedies in accordance with law. There shall be no order as to costs.

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

Date:06.10.2017

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P. NAVEEN RAO, J