

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28551 OF 2017

DATED : 28.08.2017

Between :

N. Babu Rao, S/o.Burugulu,
Aged 70 yrs, Occu : Retd.Employee,
R/o.H.No.6-3-18/A, Samatha Nagar,
Amalapuram Mandal,
East Godavari District & others.

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Petitioners

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Stamps and Registration Department,
A.P.Secretariat, Amaravathi,
Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners claim to be as belonging to Christian Catholic Community and residents of Amalapuram, East Godavari District. Petitioners claim that they regularly worship in Roman Catholic Missionary Church and also avail the services of Hospital, School and Hostel located in R.S.No.735/2, 736/2 and 734/2, along with landed property to an extent of Ac.4.55 cents in Gandhinagar, Amalapuram, East Godavari District. Petitioners contend that some vested interest are now taking active steps to alienate the said lands and in the process are seeking to present the document before the registering authority. Petitioners seek direction to the Sub-Registrar, Amalapuram, not to entertain any document concerning the above mentioned property.

3. According to the provisions contained in the Indian Registration Act ("the Act" for brevity) and the Rules ("the Rules" for brevity) made thereunder, there is no provision to entertain any complaint against registration of a document even before a document is presented for registration. Even after a document is presented for registration under Section 34 of the Act, limited scope of enquiry is provided and Rule 58 of the rules clearly prohibits entertaining any complaint/objection against registration of a document except considering the objections on five items mentioned therein. Rule 58 of the Rules is also attracted

only when an objection is made after a person presents a document for registration and processed by the registering authority.

4. In the case on hand, no such document was presented and the petitioner wants the Sub Registrar not to entertain any document for registration. In view of the clear embargo under rule 58 of the Rules, the petitioner cannot insist not to entertain any document for registration even before a document is presented.

5. Having regard to the statutory mandate, as noted above, the prayer as sought for in this writ petition cannot be granted and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

28th August, 2017
Rds/tvk

P.NAVEEN RAO,J