

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT APPEAL No.418 OF 2017

JUDGMENT: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri Peri Prabhakar, learned counsel for the appellant, and the learned Government Pleader for Revenue (Assignment) and, with their consent, the appeal is disposed of at the stage of admission.

The appellant herein is the petitioner in the writ petition which was filed seeking a *mandamus* to declare the action of respondents 2 and 3, in refusing to register the gift deed executed by the petitioner in favour of her daughter, *vide* rejection order dated 07.05.2016 as being arbitrary and illegal.

The learned Single Judge has, in the order under appeal, relegated the petitioner to avail the alternative remedy of an appeal under Section 72 of the Registration Act, 1908 (for short, 'the Act'), whereunder an appeal lies against the order of the Sub-Registrar to the District Registrar. Reliance is placed by Sri Prabhakar Peri, learned counsel for the appellant, on the e-mail dated 07.05.2016 wherein it is stated that the request for registration has been rejected, to contend that since the said order was passed by the Registrar, the appellant does not have any remedy of an appeal against such an order.

When the matter came up before us on 04.04.2017, learned Government Pleader for Revenue (Assignment) sought time to ascertain whether this endorsement dated 07.05.2016 was issued by the Sub-

Registrar or the District Registrar. Today the learned Government Pleader, on instructions, states that the order of rejection was passed by the Sub-Registrar alone, and not the District Registrar; and the e-mail dated 07.05.2016 is, in fact, a communication by the Sub-Registrar, Guntur to the Sub-Registrar, Nallapadu. As it is now evident that the order of rejection was passed by the Sub-Registrar, and not the District Registrar, the learned Single Judge was justified in relegating to the petitioner to the remedy of an appeal under Section 72 of the Act.

Sri Peri Prabhakar, learned counsel for the appellant, would request two weeks time for an appeal to be preferred to the District Registrar. We consider it appropriate, therefore, to dispose of this appeal permitting the appellant to prefer an appeal to the District Registrar within two (2) weeks from today. On such an appeal being preferred, the District Registrar shall consider the same in accordance with law, and dispose of the appeal with utmost expedition, preferably within a period of two (2) months from the date of receipt of the petitioner's appeal.

The writ appeal is, accordingly, disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 06-04-2017.
SIVA/DSH

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(Judgment of the Division Bench delivered by
Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Date.06-04-2017

SIVA/DSH