

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28167 OF 2017

ORDER:

1. According to the petitioner, one Dara Venkaiah of Chillamannuru Village of Balyapalli Mandal was the assignee of Ac.1.40 cents in Survey No.192/1 and Acs.2.30 cents in Survey No.192/2. The said Dara Venkaiah mortgaged the abovementioned property to the Nellore District Co-operative Central Bank Limited, Nellore and obtained loan. As a mortgagee, he committed default in payment of the loan amount; recovery proceedings were initiated and award was passed in award No.288/1997-1998 dated 28.07.1997. Auction was conducted to sell the said property. Petitioner was the highest bidder. When the sale was confirmed in petitioner's favour on 05.07.2017, sale certificate was accordingly issued to him by the authority under the A.P. Co-operative Societies Act. The sale certificate was also communicated to the third respondent for the purpose of recording the same in the records. It appears that the petitioner made a representation to the Mandal Revenue Officer for effecting necessary changes in the revenue records. Accordingly, the revenue records were also changed. The petitioner was issued pattadar passbook and title deeds. The petitioner intended to execute settlement deed and register the same in favour of his sister; document was prepared and when he went to the office of the third respondent to ascertain the stamp duty and registration expenses and requested him to entertain the document for the purpose of registration, the third respondent refused to entertain the document for untenable and invalid reasons and demanded huge amount as bribe to undertake the exercise.

Aggrieved thereby, the petitioner complained the matter to the District Registrar but the said complaint has also not been taken up. Hence, he filed the present Writ Petition.

2. In the affidavit filed in support of the petition and in the legal notice issued to the District Registrar, serious allegations were made against the third respondent. The petitioner ought to have taken the issue of demand of a public servant to do official work to appropriate authority. Be that as it may, the issue in this Writ Petition is only with reference to the refusal of the document for the purpose of registration. No document is filed to show that the petitioner presented a document for registration but the same was not entertained. Even if the registering authority does not entertain the document for registration, in terms of Section 72 of the Registration Act, an appeal shall lie to the District Registrar. Apparently, the petitioner has not filed appeal before the District Registrar against the third respondent for not accepting document for registration. This Court is not inclined to grant the relief as sought for at this stage.

3. The Writ Petition is dismissed leaving it open to the petitioner to avail the remedy of appeal against the action of the third respondent in not accepting the document for registration or to work out remedies as otherwise available in law. It is also open to the petitioner to ventilate his grievance in demand of money by public servant to do an official work, if so advised. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(P.NAVEEN RAO, J)

23rd August 2017
RRB