

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.33825 OF 2017

Date: 11.10.2017

Between:

Kuthuru Chinna Venkata subbaiah @ K C Venkatasubbaiah,
S/o. Chinna Pullaiah, Aged 46 years, Occu: Business,
R/o. Door No.7/25, T.B.Road, Proddatur town and mandal,
Kadapa district and another.

.....Petitioners

and

The State of A.P., rep.by its Principal Secretary,
Revenue Department, AP Secretariat, Velagapudi,
Guntur district, A.P. state and others.

.....Respondents



The Court made the following:

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ORDER:

This writ petition is filed praying to grant the following relief:

“to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents 3 & 4 in registering the documents bearing No.12 of 2013 and 13 of 2013 and the documents generated through the Sale deed document No.12 of 2013 bearing Nos.4497 to 4521 of 2017, 4459 to 4557 of 2017 and 4567 of 2017 in Sy.No.57, total extent of Ac.4-39 cents or 1.777 hectares situated at Modemeedipalli village, Kothapalle Panchayati, Proddatur Mandal, Kadapa District, bounded by East: Land sold to Akula Subbanna and Rama Chandra Reddy, West: Land of M.Thirupal Reddy, North: Land of Nandaiah and South: Land of Akula Subbanna is illegal, arbitrary, and in violation of Article 14, 16, 21 and 300-A of the Constitution of India and consequently set aside the same null and void, and pass such order or orders the Hon’ble Court deems fit and proper.”

2. A bare perusal of the record would disclose that two documents bearing Nos.12 and 13 of 2013 were registered and based on the said documents, further deeds of conveyance were registered. According to the petitioners, Muddarla Narayana sold the land to an extent of Ac.3.49 cents in Sy.No.57 of Modemeedipalli village, Kothapalle Panchayat, Kadapa district, to the petitioners and they are in possession and enjoyment of the same. According to the petitioners, Muddarla Narayana succeeded to the said property and, therefore, his title was validly passed on to the petitioners. While so, by relying on illegal sale transactions made in the year 2013, respondents carrying on further sale

transactions. Aggrieved thereby, petitioners complained to the Sub-Registrar as well as District Registrar and requested not to entertain the deeds of conveyance in the said properties. The averments made in the affidavit filed in support of the writ petition also disclose that petitioners filed O.S.No.34 of 2017 in the Court of II Additional District Judge, Kadapa praying to grant perpetual injunction against defendants therein. Petitioners also filed I.A.No.890 of 2017 praying to grant interim injunction. In the said I.A., notice was ordered and suit is pending. In these circumstances, this writ petition is filed for the prayer noted above.

3. The facts as briefly noted above would disclose that on a dispute between the petitioners and unofficial respondents and others, petitioners filed O.S.No.34 of 2017 and the said suit is pending consideration. The registering authorities have to process deeds of conveyance or any other document presented for registration, which is compulsorily registerable under Section 17 of the Indian Registration Act, 1908. In accordance with the provisions contained in the Registration Act and Rules made there under, once a document is presented before him by duly complying with all the statutory requirements, as per the provisions of the Act and Rules made there under, he cannot refuse to register the document. Furthermore, registering authority has no competence to go into the merits of the ownership claims of the individuals and enter into disputed questions. Furthermore, as registering authority is required to act strictly in accordance with the provisions of the Registration Act and Rules made there under, no mandate can be issued to the registering authority not to entertain any deed of conveyance presented before him. Since petitioners

have already filed the suit against some of the respondents herein praying to divide the entire schedule property into two shares of Ac.2.00 and Ac.2.39 cents with specific meets and bounds and allot Ac.2.00 to the plaintiff with exclusive rights, deliver the possession of the plaintiff's allotted share, on their failure to order to deliver possession through Court of law, leaving it open to the petitioners to prosecute the pending suit and IA/IAs filed / may be filed, writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Date: 11.10.2017
kkm

JUSTICE P.NAVEEN RAO



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