

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 31127 of 2017

Date :14.9.2017

Between :

M Jhansirani D/o late Ananda Rao
24 years
R/o Kalakada village and mandal
Chittoor

Petitioner

And

The State of A P
Rep by its Principal Secretary,
Revenue Department,
Secretariat, Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

The document presented by the petitioner was refused for registration assigning due reasons by the Sub Registrar/4th respondent. It appears, refusal order was passed on 20.4.2017 and challenging the same, petitioner preferred appeal on 20.7.2017 and on the same day i.e., 20.4.2017 the appeal was rejected holding that appeal was filed beyond limitation prescribed in Section 72 of the Registration Act, 1908.

2. According to petitioner, as she is an employee, she does not reside at the residential address as given in the document, as such she is not aware of the refusal order sent and immediately on coming to know about the same, she filed appeal.

3. Reading of the order of the District Registrar dated 20.7.2017 rejecting the appeal of the petitioner would show that he does not assign reasons as to when the Joint Sub-Registrar's decision was communicated to petitioner etc. If the decision of the refusal is made in presence of the parties, it can safely be said that, that is the date of knowledge, therefore appeal should be preferred within 30 days thereon and if the order is passed later, the date of communication of the order of refusal or any other date claimed by the individual about the knowledge of refusal, shall be the date of knowledge. The order of the District Registrar is silent as to when refusal order was communicated to the petitioner. Stand of the petitioner is that she came to know only in July, 2017 and immediately thereafter she preferred appeal.

4. Having regard to the above facts, the rejection on the ground that appeal was not presented within 30 days is not valid and the same is set aside on that ground and District Registrar /2nd respondent is directed to process the appeal on its merits without reference to delay in presentation of the appeal.

Accordingly, the writ petition is allowed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 14.9.2017
TVK

P NAVEEN RAO, J



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