

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33440 OF 2017

Dated:06.10.2017

Between:

Lingala Laxmidevamma, W/o. Yerrama
Reddy, Age 69 years, Occ: Housewife,
R/o.H.No.15-302 D, Gopal Reddy
Street, Madanapalle, Chittoor District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary Stamps and
Registration Department, Revenue,
Secretariat Buildings, Velagapudi,
Tulluru Mandal, Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.33440 OF 2017****ORDER:**

Heard.

2. Petitioner alleges that her son Lingala Narsimha Prasad Reddy and V. Kalpalatha @ Venkataramanamma filed O.S.No.29 of 2007 in the Court of VIII Additional District Judge, Anantapur, praying to grant partition of her father's ancestral property, as her father and mother died. Petitioner alleges that her brothers are forcibly enjoying the property without partition. As per the averments in the affidavit filed in support of the Writ Petition, judgment was rendered on 07.09.2017 dismissing the suit with costs. Petitioner now contends that the plaintiffs are in the process of availing remedy of appeal against the said judgment. While so, under the guise of dismissal of the suit, her brothers executed two documents bearing Nos.6467 and 6468 of 2017. Having regard to the attitude of her brothers, petitioner claimed to have submitted representations dated 14.09.2017 and 28.09.2017 to the Sub Registrar, Kadiri, Anantapur District, and the District Registrar, Stamps and Registration, Anantapur, the respondents 3 and 2, respectively. Alleging inaction on the part of respondents 2 and 3 in not considering the said representations and seeking directions to them, the petitioner filed this Writ Petition.

3. The contents of the representations would disclose that pending availing the remedy of appeal against the decree in O.S.No.29 of 2007, the registering authority should not entertain deeds of conveyance in respect of her father's property. In other

words, petitioner seeks mandamus directing the registering authority not to entertain the deeds of conveyance on the property mentioned in the respective representations.

4. The registering authority has power to register a document presented before him in accordance with the provisions contained in the Registration Act and the Rules framed thereunder. There is no provision which enables the registering authority to accept representation not to entertain the deeds of conveyance even before the deeds of conveyance are presented before him. Under Rule 58 of the Registration Rules, the registering authority can refuse registration subject to fulfillment of conditions made thereof. As noted above, there is no provision which enables the registering authority to consider the objection against entertaining a document for registration. Moreover, as admitted by learned counsel for the petitioner, a decree was passed dismissing the suit filed for partition. The registering authority cannot go into the merits of the claims of the persons, who presented the documents for registration and cannot enter into the validity of the title on the property. The registering authority is required to act strictly in accordance with the Registration Act and the Rules made thereunder and once the requirements are complied, he cannot refuse registration. Thus, the relief as sought for by the petitioner cannot be granted.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out her remedies as available in law. It is needless to observe that the petitioner is entitled to avail the remedy of appeal against the decree passed in O.S.No.29 of 2007,

dated 07.09.2017, and she is also at liberty to work out her remedies, if aggrieved by registration of deeds of conveyance. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:06.10.2017

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