

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30004 OF 2017

DATED : 06.09.2017

Between :

Kolli Prasada Rao, S/o.Late Dwaraka Krishna,
Age about 65 yrs, Business,
R/o.D.No.8-698, Mangalagiri Town,
Guntur District & others.

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Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Stamps & Registration Department,
Secretariat Buildings, Velagapudi,
Amaravathi & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. This writ petition is filed to declare the action of the 3rd respondent in not receiving the Rectification deed dt.21.06.2017 for registration rectifying the cancellation deed dt.20.05.2017 vide document No.3439 of 2017 without giving any reasons as illegal, arbitrary and violative of principles of natural justice and consequently to direct the 3rd respondent to receive and register the said rectification deed.

3. It appears petitioners entered into a development agreement with M/s.S.V.R.Constructions, Vijayawada, for development of their land. However, differences arose. Therefore, the development agreement was cancelled and the same was registered on 20.05.2017 bearing document No. 3439 of 2017. In the cancellation deed as there were certain omissions, a Rectification Deed was drawn after paying relevant fee by way of challan and the same was presented before the registering authority. But the Sub-Registrar, Mangalagiri, Guntur, refused to receive the said Rectification deed compelling the petitioner to approach this Court.

4. Except for contending that the relevant fee is paid, there is no proof of presentation of the document and refusal of such document. However, what is contended by the petitioner would amount to not admitting the document for registration. Section 72 of the Registration Act, creates appellate forum against the

decision of primary authority in refusing to admit the document. Since an efficacious remedy is available in the form of appeal, this Court is not inclined to entertain the writ petition.

5. If the petitioner is aggrieved by the alleged illegal action of the Sub-Registrar in not accepting the Rectification Deed, he may avail the remedy of appeal, as available in law, if so advised. It is needless to observe that if such appeal is filed, the same shall be considered objectively by the appellate authority and to pass orders as required by law.

6. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

6th September 2017
Rds

P.NAVEEN RAO,J

