

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35889 OF 2017

Date: 27.10.2017

Between:

Gudla Venkatanarayana s/o. Gudla Venkata Ramana,
Aged about 53 years, R/o. D.No.3-146-14-12-28,
Weakens Colony, Bandameeda Kammappally village,
Madanapalli town and post, Chittoor District, A.P.,
and another.

.... Petitioners

And

The State of Andhra Pradesh, rep., by its Principal Secretary
Revenue Department, Secretariat, Velagapudi, Amaravathi,
Guntur District and others.

.... Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Revenue (AP) for respondents.

2. First petitioner claims to be the owner and in possession of land to an extent of 122.22 square yards with RCC shed bearing House No.3-146-14-12-28 in Sy.Nos.104-3H, 104-3L, 104-3J, 104-3K, 104-3L2, 104-3M1, 104-3X1, 105-2B, 105-3B in 3rd Ward of Cheekala Gutta Weakens Colony, Bandameeda Kammapally village, Madanapally Municipal Area limits, Madanapally Sub-division, Chittoor district. It is further stated that 2nd petitioner is absolute owner and in possession of land to an extent of 73.33 square yards with RCC shed bearing House No.3-146-14-5-A-6 in Sy.Nos.104-3H, 104-3L, 104-3J, 104-3K, 104-3L2, 104-3M1, 104-3X1, 105-2B, 105-3B in Chowdeswari Nagar, Bandameeda Kammapally village, Madanapally Municipal Area limits, Madanapally Sub-division, Chittoor district. Petitioners intend to dispose of the said properties and when approached the Sub-Registrar, the Sub-Registrar refused to entertain the documents for registration on the ground that same is prohibited under Section 22-A of the Registration Act. Hence, this writ petition.

3. The material on record would disclose that though documents are drafted for presenting it before the registering authority, no proof is filed that the documents are presented for registration and the registering authority refused to receive the same. On a question posed by the Court, learned counsel for the

petitioners submits that no notification is issued under Section 22-A of the Registration Act, prohibiting registration of the properties. If that being so, there can be no objection for the registering authority to receive the documents presented by the petitioners. However, it is also seen that so far petitioners have not paid stamp duty and registration charges to show *bona fides*. Thus, it cannot be said that the action of the respondents in not receiving and processing the documents presented by the petitioners is illegal. Therefore, no relief as sought for by the petitioners can be granted to them.

4. The Writ Petition is accordingly disposed of, granting liberty to the petitioners to present the documents after paying stamp duty and registration charges. As and when such documents are sought to be presented, the registering authority shall receive and process the same in accordance with the Registration Act and the Rules framed there under. If the registering authority has any objection for accepting the documents for registration, it is open to it to refuse registration by assigning due reasons in support of its decision. There shall be no order as to costs.

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

JUSTICE P.NAVEEN RAO

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