

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.9337 OF 2018

Date: 21.03.2018

Between:

Korrapati Manohar Naidu s/o. Kondapanaidu,
Aged about 50 years, occu: Agriculture,
r/o.Musunur village, Kavali Mandal, SPSR Nellore
district.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal Secretary,
Revenue (Registration-II) Department, Secretariat Buildings,
Velagapudi, Guntur district and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that he is the owner of two plots to an extent of 176 square yards and 344 square yards in Sy.No.147 of Musunur village, Kavali Municipality Area, SPSR Nellore district. In this writ petition, petitioner alleges that on 05.10.2017, two deeds of conveyance were registered vide bearing Nos.3636/2017 and 3638/2017 in the Sub-Registrar Office, Kavali on the property belonging to him. Having come to know that illegally deeds of conveyance were registered, petitioner filed objection petition on 28.10.2017. Alleging inaction on the said representation/objections filed, this writ petition is filed.

2. Petitioner seeks declaration on inaction on the part of respondents 2 to 5 in considering the representation/objections placed by petitioner against registration of deeds of conveyance on the above two extents of plots by the Sub-Registrar and seeks consequential direction.

3. Admittedly, documents were already registered. Once document is registered, the Sub-Registrar becomes *functus officio* and has no role to play. Under Section 82 of Registration Act, 1908 (for short, 'Act'), prosecution can be launched if any of the conditions mentioned therein have attracted. Petitioner draws the attention of Court to Rule 58 of the Rules made under Registration Act to contend that under this provision, registering authority is competent to entertain the complaint and examine the grievance.

4. A bare perusal of 58 would show that such an objection can be entertained only before document is registered and within the parameters prescribed in the said Rule. Thus, Rule 58 is not attracted to the case on hand. When there is no provision in the Registration Act and Rules made there under to entertain objections after the document is already registered, the relief as sought for cannot be granted. Writ Court cannot compel the authority to act contrary to statutory mandate. Writ Petition is accordingly dismissed. It is needless to observe that, if according to petitioner, the registration of document is vitiated as per the parameters in Section 82 of the Act, it is open to petitioner to file a complaint and it is for the competent authority to consider such complaint and to take action as required by law or work out his civil law remedy.

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

JUSTICE P.NAVEEN RAO

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