

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.9653 OF 2018

Date: 03.04.2018

Between:

Mekala Raju, S/o M.Narayana Swamy, Aged 45 years,
Occu: Business, R/o. H.No.49-50A-48, Maddur Nagar,
Kurnool Town, Kurnool District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Stamps & Registration Department,
Secretariat, Velagapudi, Amaravathi, Guntur district
and others.

.....Respondents



The Court made the following:

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ORDER:

According to petitioner, he and another person purchased the land to an extent of Ac.5.00 cents in Sy.No.165/2 of Joharapuram village, Kurnool Sub-Division, Kurnool district by way of registered sale deed dated 17.04.2007. After execution of above said sale deed, District Registrar initiated proceedings under Section 41-A of Indian Stamp Act alleging that deficit stamp duty was paid by wrong description of market value. It appears that District Registrar informed the petitioner that as per the market value guidelines register, value of property is shown as 270/- per square yard, whereas in the sale deed it was disclosed as 38,000/- per acre. Not satisfied with the explanation offered by petitioner, he passed final orders on 13.04.2009 demanding payment of deficit stamp duty of 6,02,680/-. The decision of the District Registrar was challenged in W.P.No.13426 of 2010. Said Writ Petition was allowed by judgment dated 18.04.2012. Aggrieved thereby, Writ Appeal No.1597 of 2013 was filed. Division Bench stayed the judgment of learned single Judge. However, Division Bench restrained the appellants from recovering any amount.

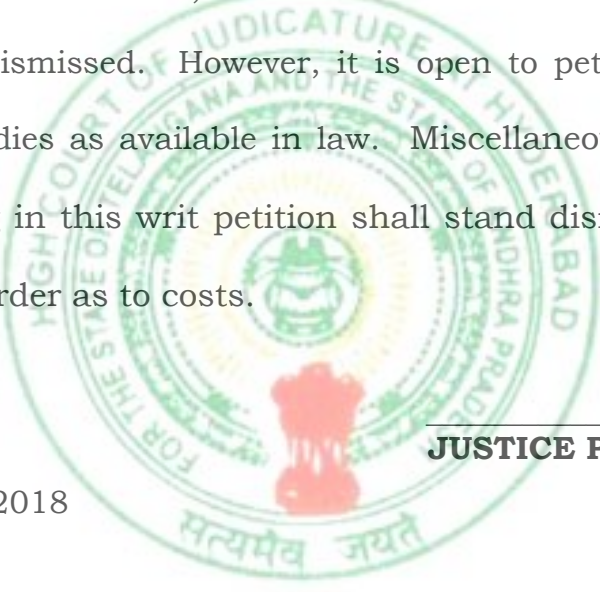
2. He claims that representation was made to the District Collector and the Joint Sub-Registrar-I, Kurnool SRO, on 10.03.2016 expressing his desire to dispose of Ac.0.60 cents of land in the above survey number and seeking permission to undertake sale. He also stated that he is willing to give an affidavit to pay deficit stamp duty if the decision of Division Bench goes

against him. Alleging inaction on the representation, this writ petition is filed. In the prayer in writ petition, petitioner now states that he intends to sell Ac.3.75 cents of land in Sy.No.165/2.

3. Material on record would disclose that so far no deed of conveyance was presented before the registering authority. The registering authority comes into picture only when document is presented before him and he is required to process the document in accordance with the Registration Act and the Rules made there under. Admittedly, so far no document is presented. Even in the representation submitted by petitioner on 10.03.2016, he does not refer to presentation of document, but requested the authority to allow him to present document. Therefore, the declaration sought in the writ petition that there is inaction on the part of registering authorities in not acting upon the representation cannot be granted. So far, no document is presented for registration. Therefore, petitioner cannot assume what registering authority would do and seek preemptive direction to the registering authority to act in a particular manner. Further, no direction to receive a document in a particular manner can be directed even before the document is presented and processed by the registering authority. Only after the document is processed and any objections are raised by the registering authority, aggrieved party can avail appropriate legal remedy. Power of judicial review is available against decision of the Administrative/Quasi-judicial authorities within the parameters only after a decision is made. Thus, there is no cause to espouse in this writ petition.

4. Further, the present issue directly flows out of the issue pending consideration in W.A.No.1597 of 2013. By independent proceedings, petitioner cannot compel the registering authority to process deed of conveyance in a particular manner as sought in the present writ petition. No independent proceedings are maintainable on the same subject property. If petitioner has any grievance against the registering authority with reference to the property, which is subject matter of W.A.No.1597 of 2013, he may have to file appropriate application in the pending Writ Appeal.

5. In view of the same, Writ Petition is not maintainable and is accordingly dismissed. However, it is open to petitioner to work out his remedies as available in law. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed. There shall be no order as to costs.



JUSTICE P.NAVEEN RAO

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