

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 13484 of 2018

Date : 18.4.2018

Between:

Sista Nagaraju S/o Appa Rao
27 years
R/o Door No. 109, Kothanagavaram village,
Munagapaka mandal, Visakapatnam district

Petitioner

And

State of A P
Rep by its Principal Secretary,
Revenue Department,
Secretariat, Velagapudi
Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims that he purchased land to an extent of Ac.1.30 cents in Survey No. 382/1, Nagavaram village, Munagapaka mandal, Visakapatnam district from the previous pattadar and title has validly passed to him. After the purchase of land, his name was also mutated in the revenue records. He filed 1-B Namuna extracts reflecting name of his vendor and himself respectively. Petitioner now alleges that unofficial respondents are trying to alienate the very same land. Soon after purchase of the land, petitioner submitted representation dated 4.8.2016 to stop registration of subject land. The Sub Registrar by order dated 4.8.2016 informed the petitioner that request of stoppage of registration cannot be entertained and advised to avail appropriate legal remedies. On 28.8.2017 petitioner made representation to the District Collector alleging that certain people are attempting to mutate their names in the revenue records and same should not be permitted.

2. Petitioner prays to declare order of Sub Registrar dated 4.8.2016 as illegal and also seeks declaration that not acting on the representation dated 28.8.2017 by the revenue authorities as illegal.

3. The Registration Authority is required to act in accordance with provisions of Indian Registration Act, 1908 and Rules made therein. The Act, 1908 do not envisage receiving of objections even before a document is presented for registration or prohibition to receive a document for registration, except of documents of properties which are notified as prohibited list of properties under Section 22-A of the Act, 1908. Rule 58 enables receiving of objections while processing a document presented for registration, if objections fall within the parameters specified therein. With reference to provision in Rule 58 a specific question is posed to the learned counsel for petitioner as to whether application is made by him

raising objections on registration of document already presented before the Registration Authority. However, learned counsel is evasive and do not answer the issue. Copy of the representation submitted to Sub Registrar would show that he was requesting the Sub Registrar not to register any sale deed if presented before him. In other words, request was made even before a document was presented for registration. Therefore, I do not see any error in the decision communicated by the Sub Registrar.

4. Similarly, request of the petitioner in representation dated 28.8.2017 is against mutation proceedings on the subject land. Mutation proceedings are governed by provisions of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. After application is made to mutate name, a detailed procedure is envisaged. If a person has an objection on the request made to mutate name, he can always raise objection during the course of enquiry but there is no provision to restrain the revenue authority from entertaining applications. The representation of the petitioner dated 28.8.2017 to the District Collector is in the form of preventing the revenue authorities even to entertain an application for mutation, as such, the representation is not valid in law and no direction can be granted to the Revenue Authorities to restrain from entertaining applications for mutation. Therefore, prayer sought to that extent is also mis-conceived.

5. Writ petition fails and accordingly dismissed. However, it is open to the petitioner to work out remedies as available to him in law, if so advised. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 18-04-2018
TVK

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