

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2142 of 2019

ORDER:

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put the unofficial respondents on notice or afford them an opportunity of hearing.

The petitioner association alleges commission of offences under the Registration Act, 1908 (for short, 'the Act of 1908'). It made a written complaint in this regard on 28.01.2019 to various authorities of the Registration Department. Complaining of inaction on their part, the petitioner association is before this Court.

Part XIV of the Act of 1908 deals with penalties. Section 83(1) therein provides that prosecution for any offence under the Act of 1908 coming to the knowledge of a Registering Officer in his official capacity may be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

As the provision merely requires commission of the offence, if any, being brought to the knowledge of a Registering Officer in his official capacity, it is not open to the authorities of the Registration Department to sleep over the complaint made by the petitioner association on 28.01.2019. It is for the registration authorities concerned to apply their mind to the said complaint and take necessary action thereon, as warranted by law, in accordance with the due procedure.

The writ petition is accordingly disposed of directing the Commissioner & Inspector General, Registration & Stamps, Hyderabad, to consider the petitioner association's complaint dated 28.01.2019 and take

appropriate action thereon in terms of Section 83 of the Act of 1908. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:05.02.2019

GJ

