

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4282 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of *Mandamus* declaring the action of Respondent No.2 in registering the property of the petitioner in favour of respondent Nos.3 and 4 without looking into the basic facts related to the ownership as arbitrary, illegal, against rule of law, natural justice and also violative of Articles 14 and 21 of the Constitution of India and consequently, direct respondent No.5 to inquire into the matter and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

As per the writ affidavit, it is the specific case of the petitioner that his former wife, A.Jaya Madhavi, who is not made a party to this Writ Petition, had no authority to execute and register sale deeds in favour of respondent Nos.3 and 4. He alleges that the registration authorities failed to discharge their lawful functions while registering the subject documents in as much as they did not look into the basic facts relating to ownership.

In this regard, it may be noted that Rule 58 of the Telangana Rules under the Registration Act, 1908, specifically states that it forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document.

In the light of the aforestated rule position, no duty is cast upon the registration authorities to undertake examination of the issue of ownership when a document is presented to them for registration.

The prayer of the petitioner in this case proceeds on the assumption that such a duty is cast upon the registration authorities, but it is not so, as is clearly brought out by the aforestated Rule.

The Writ Petition is therefore devoid of merit and is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

01st March, 2019
dr

JUSTICE SANJAY KUMAR

