

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5251 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 the respondents in contemplating to mutate the name of the 5th respondent without considering the representation dated 22.12.2018 as illegal, arbitrary and unjust and violation of Article 300 A of the Constitution of India and Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, and consequently direct the respondents to consider the representation dated 22.12.2018 before effecting any mutation in respect of the lands in Sy.No.29uu11 Ac.0 1200 guntas, Sy.No.63a/1 Ac.1.1500 guntas, Sy.No.64a/1 Ac.1.0600 guntas, Sy.No.101aa/1 Ac.0.1600 guntas, Sy.No.106a74 Acs.13.2600 guntas, Sy.No.140uu/1, Ac.0.3000 guntas, Sy.No.141 Ac.0.2200 guntas, Sy.No.163aa/1 Ac.0.0700 guntas, Sy.No.169a Ac.0.1200 guntas, Sy.No.200aa/1 Ac.0.0100 guntas, Sy.No.259/a Ac.0.3600 guntas and Sy.No.262/a Ac.0.2300 guntas situated at Habsipur village of Jagtial Mandal and initiate necessary action in accordance with law and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

Perusal of the representation dated 22.12.2018 of the petitioner addressed to the District Registrar, Karimnagar, demonstrates that she sought a direction from the District Registrar to the Sub-Registrar, Jagtial, not to entertain any registrations in relation to the agricultural land mentioned by her.

Rule 58 of the Rules framed by the State under the Registration Act, 1908 (for brevity 'the Act of 1908'), postulates that it is not within the domain of the registration authorities to examine the right and title of the executant of a document even if any objection petition has been filed in relation thereto. It is therefore neither within the ken of the District Registrar nor of the

Sub-Registrar concerned to examine the title of the executant of a document presented for registration. It is only on the limited grounds provided under Section 34 of the Act of 1908 that the registration authorities can undertake examination of a particular document.

The representation made by the petitioner was therefore utterly misconceived and contrary to the legal regime obtaining under the Act of 1908. Seeking a direction to the registration authorities to act upon such misconceived representation is equally misconceived.

Further, this Court is at a loss to understand how the representation dated 22.12.2018 has anything to do with the revenue authorities or mutation in the revenue records. The said representation was not made to the revenue authorities and no copy thereof was even marked to them.

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.

14th March, 2019
dr

JUSTICE SANJAY KUMAR