

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6108 of 2019

ORDER:

1 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 writ or direction more particularly one in the nature of writ of Mandamus a declaring the action of the Respondents in not registering the document in respect of Plot No.186 in Sy. No. 5/3 situated at Raidurg Panmaktha Village. Serilingampally Mandal. Ranga Reddy District admeasuring 1000 Sy Yds as bad arbitrary illegal and in violation of Articles 14 21 and 300A of the Constitution of India and b Consequentially direct the Respondents to register the documents in respect of Plot No 186 in Sy. No. 5/3 situated at Raidurg Panmaktha Village. Serilingampally Mandal. Ranga Reddy District. admeasuring 1000 Sy Yds And pass and pass such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2 Sri A.Venkatesh, learned counsel for the petitioner, would point out that the then Government of Andhra Pradesh itself regularised the right of the petitioner’s vendor, Smt. B. Hemadevi, over the subject land bearing Plot No.186 in Sy.No.5/3 of Raidurg Panmaktha Village, Serilingampally Mandal, Ranga Reddy District, vide G.O.Ms.No.657, Revenue (ASSN.V) Department, dated 22.07.2010. He would further submit that though LGC No.13 of 2004 was instituted on the file of the Special Court constituted under the provisions of A.P. Land Grabbing (Prohibition) Act, 1982, against Hemadevi and several others, some of them, including Hemadevi, filed I.A.No.666 of 2013 therein under Order VII Rule 11 CPC and by order dated 02.8.2013, the Special Court allowed the application and rejected the LGC against all the petitioners in the said I.A., including Hemadevi, the petitioner’s vendor.

3 This being the situation, it is not open to the registration authorities to refuse to receive the documents presented by the petitioner for registration in relation to the subject plot on the ground of pendency of the aforestated LGC No.13 of 2004 (renumbered as LGOP No.1083 of 2016 on the file of the learned XV Additional District Judge, Ranga Reddy, at Miyapur).

4 Be it noted that in terms of the Division Bench Judgment of the Andhra Pradesh High Court in G.Narasaiah Vs. State of Andhra Pradesh¹, the registration authorities are duty bound as per the statutory scheme of the Registration Act, 1908 (for brevity, 'the Act of 1908'), to receive and process every document presented for registration. It is not open to them to refuse to receive the document at the threshold, be it on whatever ground. Upon processing of the document, in the event the Sub-Registrar concerned finds any ground to refuse registration, he is required to pass a refusal order under Section 71 of the Act of 1908, under intimation to the parties. However, if he finds the document to be in order and in full compliance with the requirements of the Act of 1908 and the Indian Stamp Act, 1899, he is required to complete the registration formalities and release the document.

5 The Writ Petition is accordingly disposed of directing the registration authorities, respondent Nos.4 and 5 herein, to receive the documents presented by the petitioner in relation to the subject Plot and process the same in accordance with law as indicated supra. This exercise shall be completed expeditiously.

6 Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

25th March, 2019.
Kvsn

¹ 2011 (3) ALD 635 (D.B)