

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26048 of 2006

29.12.2006

Between:

Ch. Sudha Rani, W/o.Ch.V.R.R.Vara Prasad

... Petitioner

AND

The District Registrar, Ranga Reddy District

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26048 of 2006

ORDER:

The petitioner is allegedly purchased house site bearing plot No.152, admeasuring 500 Sq.yards in survey No.17 of Mansurabad Village of Saroornagar Mandal in Ranga Reddy District from A.Madhusudhana Rao. The same was presented for registration before the second respondent allegedly in conformity with the Registration Act, 1908 (the Act, for brevity) and A.P. Rules under the Act (the Rules for brevity). The same was not registered. Therefore, the present writ petition is filed.

Learned Counsel for the petitioner submits that vendor of the petitioner purchased land from Cosmopolitan Cooperative Housing Society Limited (Society, for brevity). The said society filed a suit being O.S. No.294 of 2000 on the file of the Court of the IV Additional Senior Civil Judge (FTC), Ranga Reddy District, for declaration of title and perpetual injunction, against the Government of Andhra Pradesh. The suit was decreed on 04.4.2006 but no appeal is filed. He also submits that when the sale deed was not registered, the petitioner submitted a representation dated 11.10.2006 enclosing a copy of the judgment of the Civil Court, in vain.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General-T) obtained instructions. He submits that as the vendor of the petitioner purchased the property from the Society, which obtained decree from Civil Court, the matter is enquired into to know whether any appeal is filed by the Government or not. Secondly, he submits that when the second respondent was ready to pass an order under Section 71 of the Act giving reasons for not registering the document presented, the petitioner herself requested the second respondent not to pass any order and, therefore, the same is kept pending as document No.P/318/06.

Generally, when a document is presented for registration, the Registering Authority may have to conduct enquiry. Such enquiry is limited to certain aspects mentioned in the provisions of the Act and the Rules. If the document cannot be registered, the Registering Authority has to reject the same or keep it pending recording reasons. Such reasons have to be furnished on a request made by the person presenting the document for registration. Even when – may due to pending litigation; the persons

requests not to pass any orders the Registering Authority is bound to ignore such request and pass orders. Therefore, the second respondent should immediately pass an order recording reasons for keeping the document pending/not registering, and if a request is made for furnishing reasons, the same may be furnished to the petitioner. This writ petition is wholly misconceived. No direction can be granted to the second respondent to register the document when there is civil dispute between the Government and vendor of the petitioner's vendor.

The writ petition, with the above observations, is accordingly dismissed. No costs.

December 29, 2006. (V.V.S.RAO,J)

YS