

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.16563 of 2023

B.H.P.Sheshagiri Rao, S/o B.H.P. Lakshmi
Narasimha Rao, aged 75 years, Occ: Cultivation,
R/o Havaligi, Vidapanakal Mandal, Anantapur
District.

... Petitioner

Versus

The State of A.P. Rep. by its Prl. Secretary,
Revenue Department, (Stamps and Registration)
Secretariat, Velagapudi, Amaravathi, Guntur
District, Andhra Pradesh and 8 others

... Respondents

Counsel for the petitioner : Sri N. Prem Raj

Counsel for respondents : GP for Revenue; GP for
Stamps and Registration
and Smt. Gouthami
Surapareddy

:: ORDER ::

This writ petition is filed seeking the following relief:

“to issue appropriate writ or order or direction more particularly
one in the nature of writ of mandamus declaring the action of
the respondent No.5 in registering the document No.1286 of
2010 as per square yards for the purpose of Stamp Duty and
the respondent No.4 mutating the names of the respondents
in the revenue records in respect of the land of petitioner in
survey No.635-2 an extent of Ac.4-22 cents of
Bukkarayasamudram Village and Mandal, Anantapur District,
as illegal and arbitrary and ...”

2. In the affidavit, it was contended, *inter alia*, that the subject land belongs to the petitioner's grandfather. During the lifetime of petitioner's grandfather, he migrated to Bellary and used to visit the land. After the demise of petitioner's grandfather, petitioner's father looked after the land. The name of the petitioner's grandfather is reflecting in the revenue records i.e. R.H. The unofficial respondents taking advantage of petitioner's old age, created a document and obtained an award in L.S.A.No.717 of 2002, before Lok Adalat Bench, Anantapur District. A sale deed was created in favour of unofficial respondent Nos.8 and 9. The unofficial respondents by managing Sub-Registrar got the document registered *vide* No.1286 of 2010 and got mutated their names in the revenue records. After coming to know about the same, the petitioner made representation to the authorities and filed this writ petition.

3. Heard Sri N. Prem Raj, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue for respondent Nos.2 to 4; learned Assistant Government Pleader for Stamps and Registration for respondent Nos.1 and 5 and Smt. Gouthami Surapareddy, learned counsel for respondent Nos.6 to 9.

4. Learned Assistant Government Pleader for Stamps and Registration, submits that there are no records in favour of either the

petitioner or his elders. The petitioner has submitted representation on 22.06.2023, without enclosing any documentary evidence. He further submits that the petitioner has not mentioned any legal heir certificate or documentary evidence supporting his claim. The petitioner's application will be disposed of after enquiry.

5. Learned counsel for respondent Nos.6 to 9 submits that this writ petition is filed without any basis. Respondent Nos.6 and 7 executed document in respect of Ac.1-00 cents out of Ac.4-22 cents in the survey referred to *supra* and the said document was registered as 12869 of 2010 dated 04.10.2010.

6. Thus, as seen from the above submissions and pleadings as well as the material on record, there is no dispute that respondent Nos.6 and 7 executed document, in favour of respondent Nos.8 and 9 in respect of Ac.1-02 cents in the subject survey number and the same was registered *vide* document No.12869 of 2010. In the affidavit, the petitioner pleaded that respondent Nos.6 to 9 colluded together and created a document in respect of the property belonging to petitioner's grandfather.

7. In case the subject property belongs to the petitioner's grandfather and thereafter belonged to the petitioner, and the unofficial respondents created, *inter se*, document, petitioner ought

to have approached competent Civil Court for redressal of his grievance. The sub-Registrar, unless a restraint order is passed by competent Civil Court or property is included in the prohibited properties list under Section 22-A of the Registration Act, 1908, is not precluded from registering documents. The Sub-Registrar, being the registering authority, normally will not adjudicate civil disputes or rival claims. Since the subject land is neither under list of prohibited properties nor covered by any Court direction restraining registration, this court does not find any irregularity or illegality in registering the document. Therefore, the prayer sought in this writ petition is misconceived and there are no merits in the writ petition.

8. In view of the discussion supra, this Court does not find any merits in this writ petition and accordingly, this writ petition is dismissed at the stage of admission. No costs.

This order will not preclude the writ petitioner from approaching the appropriate forum to redress the grievance.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

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Date : 10.05.2024

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