

HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No. 2138 of 2023

Between

Addepalli Sireesha, W/o. A. Venkataraju, aged about 36 years, housewife, Residing at New Krishna Nagar, Kodur Town & Mandal, Annamaiah District and another

... Petitioners

AND

The State of Andhra Pradesh, rep. by its Principal Secretary, Stamps and Registration Department, Secretariat, Amaravati, Guntur District and 2 others.

... Respondents

Counsel for the petitioners : Sri M.S.P. Kamaraju

Counsel for respondents : Learned Government Pleader for
Stamps & Registration

ORDER

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“... to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 Sub-Registrar, refusing to entertain any registrations in respect of survey No. 1686 of Kodur village, Annamaiah District as illegal and arbitrary....”

2. (a) Petitioners are wife and husband. The father of the petitioner No.2 gifted Ac.2.20 cents to the petitioner No.1 and Ac.1.00 cents to petitioner No.2 in survey No.1686 on 03.09.2003. Those documents were registered. The names of petitioners were also entered into the revenue records. When the petitioners intended to sell the lands for their family necessities, they came to know that respondent No.3 is not entraining registration of the documents qua the lands referred to supra. The petitioners sought information by way of Right to Information Act from respondent No.3 by addressing a letter dated 10.09.2022.

(b) Respondent No.3, in turn, addressed a letter No.RTI/135/2022, dated 21.09.2022 and intimated to the counsel of the petitioners that in view of the orders in CRP.MP.No.3775 of 2012 in CRP No.1147 of 2012, entertaining document doesn't arise. The petitioners filed the above writ petition based on the said communication of the respondent No.3.

3. Heard Sri M.S.P. Kamaraju, learned counsel appearing petitioners and learned Government Pleader, Stamps and Registration appearing for respondents.

4. Learned counsel for the petitioner would submit that the petitioners are not parties to the said CRP and hence, the order does not bind the petitioners. Learned counsel for the petitioners also relied upon the order in W.P.No.37741 of 2018, dated 24.10.2018 and, also another order dated 02.04.2012 in W.P.No.9139 of 2012.

5. In the case on hand, petitioners have not presented the documents before respondent No.3 along with those two orders filed in the writ petitions. Unless the petitioners present the document, petitioners cannot complain about non-registration. If the petitioner presents the documents and also places the orders in the above two writ petitions, the authority will take appropriate decision.

6. Thus, the petitioners shall present the document(s) along with W.P.No.37741 of 2018 and W.P.No.9139 of 2012. Once the document is presented, 3rd respondent shall consider the same, strictly in accordance with law, and shall pass appropriate orders.

7. With the above directions, the writ petition is disposed of. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 12.05.2023
SR

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