



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3208]

MONDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 31513/2024

Between:

1. DADI SHYAM, S/O NARASIMHA MURTHY D.NO. 12-59-17,
GAJUWAKA, VISAKHAPATNAM.
2. SRI NANDAKI PREM KUMAR,, S/O GCPAL REDDY, D.NO. 1-11-
42/3, FLAT NO. G-4, SATYA ENCLAVE, SIVAJIPALEM,
VISAKHAPATNAM.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, STAMPS AND REGISTRATION DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT,
ANDHRA PRADESH
2. THE DISTRICT REGISTRAR, VISAKHAPATNAM DISTRICT,
ANDHRA PRADESH.
3. THE JOINT SUBREGISTRAR, PEDAGANTYADA,
VISAKHAPATNAM DISTRICT, ANDHRA PRADESH.
4. THE JOINT SUBREGISTRAR, SABBAVARAM, VISAKHAPATNAM
DISTRICT ANDHRA PRADECH

...RESPONDENT(S):

The Court made the following ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate writ or order or direction more particularly a writ in the nature of a Writ of Mandamus declaring the action of Respondent No. 3 and 4 in refusing to register the Sale Deed Doc No. P1 367/2023 vide refusal order 4 of 2023, dt 20.12.2023 and further action of Respondent No.2 in dismissing the appeal 02/2024 vide order dt 08.11.2024 as arbitrary, unjust and contrary to Rule 58 of the Andhra Pradesh Rules under the Registration Act, 1908 and further violative of fundamental rights under 300A of Constitution of India and consequently direct Respondents herein to Register the above said Sale Deed Doc No. PI 367/2023 and pass such...”

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondent Nos. 1 to 5.

3. The present writ petition is filed aggrieved by the action of respondent Nos.3 and 4 in refusing to register the sale deed bearing Document No.P1367/2023 vide Refusal Order No.4 of 2023 dated 20.12.2023, and the further action of respondent No.2 in dismissing Appeal No.02 of 2024 vide order dated 08.11.2024. The said actions are illegal, arbitrary, and contrary to Rule 58 of the Andhra Pradesh Rules framed under the Registration Act, 1908.

4. The learned counsel for the petitioners submits that the petitioners initiated a sale transaction in respect of Plot No.137 situated in a layout

formed in Survey Nos.103, 104, and 125/4 of Duvvada Village (hereinafter referred to as “the subject property”). Pursuant thereto, the petitioners presented the sale deed for registration before respondent No.3 on 15.06.2023. The said sale deed was assigned Document No.P1367/2023 and was kept pending on the ground that approval from respondent No.4 was required, as the subject property falls within the jurisdiction of respondent No.4. While so, to the utter shock and surprise of the petitioners, the registration of the said sale deed was refused by respondent No.3 vide Refusal Order dated 20.12.2023. Aggrieved by the refusal to register the sale deed, the petitioners preferred an appeal vide Appeal No.02 of 2024 before respondent No.2 under Section 72(1) of the Registration Act, 1908. However, respondent No.2 dismissed the said appeal vide order dated 08.11.2024. Hence, the present writ petition.

5. The contention of the petitioners is that the rejection orders passed by the authorities are unsustainable in law, as the respondent authorities have neither considered the relevant documents nor rejected the same for any procedural defects or for non-compliance with Sections 34 and 35 of the Registration Act, 1908. Instead, the authorities have relied upon objections raised by third parties and refused registration on the ground of alleged title disputes, purportedly invoking Rule 58 of the Andhra Pradesh Registration Rules.

6. For clear understanding *Section 58 in The Registration Act, 1908 is extracted hereunder:-*

58. Particulars to be endorsed on documents admitted to registration.

(1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely,

(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

7. The learned counsel for the petitioners submits that Rule 58 only contemplates an enquiry into objections prior to registration and limits the scope of such enquiry to specific aspects, namely, the execution of the document, identity of parties, and compliance with statutory requirements. The registering authorities are not empowered to adjudicate upon or decide disputed questions of title. In the present case, the respondent authorities have failed to examine the documents within the permissible parameters under the Registration Act and Rules and have erroneously refused registration solely on the ground of title dispute, which is beyond their jurisdiction.

8. Per contra, the learned Government Pleader for the respondents, placing reliance on the counter affidavit, submits that the subject property bearing Plot Nos.136 and 137 in Survey Nos.103, 104, and 125/4 of Duvvada Village, Gajuwaka Mandal, is the subject matter of O.S.No.54 of 2023 on the file of the Principal Senior Civil Judge, Gajuwaka. The said suit was filed against Sri Penmatsa Venkata Satyanarayana Raju, who is stated to be the executant of GPA No.3056 of 2021, allegedly executed on the strength of a Will dated 24.02.2003 said to have been executed by one Chekuri Giridhar, S/o. Satyanarayana of I. Polavaram Village, and allegedly registered fraudulently at the Sub-Registrar Office, Chodavaram. It is further submitted that the competent civil court, in I.A.No.380 of 2023 in O.S.No.54 of 2023, passed an order dated 21.09.2023 restraining the defendant therein, namely Sri Penmatsa Venkata Satyanarayana Raju, from transferring or alienating the suit schedule property by way of sale, gift, or otherwise, until further orders. In view of the said interim prohibitory order passed by the civil court, the appeal was dismissed by respondent No.2.

9. Considering the rival submissions and upon perusal of the impugned orders, it is evident that the respondent authorities have ventured into the issue of title. It is well settled by a catena of decisions of this Court as well as the Hon'ble Supreme Court that the registering authority has no jurisdiction to adjudicate or decide upon the title of the property or the validity thereof while exercising powers under the Registration Act.

10. In the instant case, the grievance of the petitioners is that the authorities, while invoking Rule 58, have exceeded their jurisdiction by examining title issues, which is impermissible under Sections 34 and 35 of the Registration Act.

11. As regards the contention of the learned Government Pleader relating to the interim prohibitory order passed in I.A.No.380 of 2023 in O.S.No.54 of 2023, it is made clear that if there exists any subsisting prohibitory order passed by a competent civil court, it is always open to the petitioners to seek appropriate relief before the civil court. However, in the absence of any such operative prohibitory order, the respondent authorities ought not to have refused registration by relying upon objections under Rule 58, provided all other statutory requirements are duly complied with.

12. Accordingly, the writ petition is allowed by setting aside the refusal order dated 20.12.2023 and the matter is remanded to respondent Nos.3 and 4 for reconsideration, strictly in accordance with law, without going into the question of title. It is needless to observe that if any valid prohibitory orders passed by a competent court are brought to the notice of the registering authority, the same shall be duly considered in accordance with law. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

JUSTICE D. RAMESH

08.12.2025

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THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION No.31513 of 2025

08.12.2025

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