

(2008) 08 AP CK 0014

In the Andhra Pradesh High Court

Case No : Writ Petition No. 19164 of 2007

Dr. Yadla Ramesh Naidu

APPELLANT

Vs

Sub-Registrar, Sabbavaram and Others

RESPONDENT

Date of Decision : 01-08-2008

Acts Referred:

Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 — Section 4, 4
Andhra Pradesh Registration Rules, 1908 — Rule 26, 58, 63
Registration Act, 1908 — Section 17, 19, 20, 21, 22A
Right to Information Act, 2005 — Section 6

Citation : (2009) 1 ALD 337 : (2009) 1 ALT 256 : (2009) 1 CivCC 588

Hon'ble Judges : N.V. Ramana, J

Bench : Single Bench

Advocate : Srinivas Dammalapati, for the Appellant; GP for Revenue for Respondent Nos. 1 to 4 and S.V. Bhatt, Counsel for Respondent Nos. 5 to 8 and K. Rama Mohan Mahadeva, for the Respondent

Final Decision : Allowed

Judgement

N.V. Ramana, J.—The petitioner claims to be the absolute owner and in possession of an extent of Acs. 2-01 cents in Sy. No. 29; Acs. 5-40 cents in Sy. Nos. 239/9 to 20; Acs. 6-00 cents in Sy. No. 282/1 (old 93/4); Acs. 7-82 cents in Sy. Nos. 277/1 to 11 (old 26/3 & 4); Acs. 17-22 cents in Sy. Nos. 93/2 to 38 and Acs. 19-09 cents in Sy. Nos. 26/1 and 2, totaling Acs. 57-54 cents of Gollapalem village, Sabbavaram Mandal, Visakhapatnam, having purchased the same from his vendors, namely Garlapati Ramesh and Ors. under six registered sale deeds dated 25.08.2003. The petitioner states that originally his vendors were given ryotwari pattas u/s 4 of Andhra Inams (Abolition and Conversion into Ryotwari) Act, 1956 in respect of the above lands.

2. The learned Counsel for the petitioner submitted that the petitioner having agreed to sell the aforementioned lands owned by him to one Sri. G. Goutham and Ors. having received the sale consideration, executed sale deeds in their

favour. After executing the sale deeds, when he approached respondent No. 1 to ascertain the procedure for getting the sale deeds registered, respondent No. 1 informed him that unless VA-3 Adangals relating to the lands covered by the sale deeds, "No Objection Certificate" from the MRO in case Pattadar Passbooks are not available, are produced, the sale deeds presented for registration, will not be received and registered. Immediately, the petitioner requested respondent No. 1 to furnish the said information in writing, but respondent No. 1 refused to furnish the same, and as such, petitioner made an application dated 11.08.2007 to respondent No. 1 under the provisions of Section 6 of the Right to Information Act, 2005 requesting him to furnish the said information. Acting on the said application, respondent No. 1 passed orders dated 13.08.2007, enclosing thereto, copies of the Instructions issued by the Revenue Divisional Officer, Visakhapatnam, in Re. No. 1984/2004, dated 02.02.2005, reiterating the minutes of the meeting of the Joint Collector, Visakhapatnam, held on 05.11.2004, communicated vide Re. No. 310/2000-F3, dated 08.11.2004, and communicated the same to the petitioner.

3. He submitted that the Government of Andhra Pradesh vide Memo No. 20708/Regn(1)/2007, dated 04.05.2007, had accorded permission to the Commissioner & Inspector General of Stamps and Registration, to issue instructions to the registering officers in the State to exempt the executants/claimants from production of Pattadar Passbooks/title deeds at the time of registration, for a period of one year from 01.04.2007 to 31.03.2008. Despite the said Memo of the Government, respondent No. 1 is following the instructions issued by the Revenue Divisional Officer, Visakhapatnam, issued in Re. No. 1984/2004, dated 02.02.2005, whereunder vendors were required to produce the copies of the extracts of VA3 Adangals, Record of Rights, IB Register, Patadar Passbooks/title deeds issued by the Mandal Revenue Officer concerned, for registering the sale of any agricultural lands.

4. He submitted that when a document is presented for registration, respondent No. 1, namely the registering authority, under the provisions of the Registration Act, 1908 (for short "the Registration Act"), is not empowered to go into title disputes, except to the extent of verifying the genuineness of the persons who are party to the document that has been presented for registration, has no other option, but to receive and register the document, and the action of respondent No. 1 in requiring the petitioner to produce VA3 Adangals, Form No. 1-B, Pattadar Passbooks/Title Deeds and "No Objection Certificate" from the Mandal Revenue Officer concerned, etc., for registering the sale deed executed by him, is illegal and arbitrary, and more so when such insistence of documents, which is based on the Circulars issued by the Joint Collector and the Revenue Divisional Officer, runs contrary to the orders issued by the Government in Memo No. 20708/Regn(1)/2007, dated 04.05.2007. He thus prayed that directions be given to respondent No. 1 to receive the sale deeds to be presented by the petitioner for registration in respect of the lands in question, register and deliver the same to him.

5. Respondent No. 1, namely the Sub-Registrar, Sabbavaram, filed counter. The learned Government Pleader for Revenue appearing on behalf of the official respondents, while reiterating the averments made by respondent No. 1 in his counter, denied the presentation of any document, much less the sale deeds, said to have been executed in favour of his vendees, before respondent No. 1, for registration. He contended that if the petitioner presents any document, it will be processed in accordance with the provisions of the Stamp and Registration Acts. He also denied the petitioner having made any written request for communicating the reasons for refusing to register the document. He, however, admitted that the petitioner made application dated 11.08.2007 u/s 6 of the Right to Information Act, 2005 requesting certain information, and contended that the same was adequately replied by respondent No. 1. He also admitted the factum of the petitioner having purchased the land in question under six separate registered sale deeds, registered in his office, on 25.06.2003.

6. He contended that the petitioners being aware that the lands in question were already registered in favour of third parties, had filed the present writ petition making false and untenable allegations against respondent No. 1, and in fact, respondent No. 1 had received written objections from several persons objecting to the registration of any document in respect of the land covered by Sy. Nos. 26/2, 29, 93/3, 239/9 to 14, 239/16 to 20, 277/1 to 11 of Gollapalem village, Sabbavaram Mandal, Visakhapatnam, as they purchased plots and agricultural lands in the said survey numbers under registered sale deeds from the original owners.

7. He contended that in the land covered by Sy. No. 26/2 a layout has also been approved by the Gram Panchayat, Gollapalem, and plots were sold to several individuals by the original owners of the land, by executing registered sale deeds in their favour. According to him, if the documents presented by the petitioner for registration, are received and registered, it would result in double registration, inasmuch as there are already several documents registered in respect of the very same land, and if respondent No. 1 indulges in entertaining such documents for registration, then he being the Registering Officer, having regard to the provisions of Section 81 of the Registration Act, would be liable for prosecution, for commission of offences under the IPC.

8. He contended that Smt. Rajana Gadia W/o. Dilip Gadia had purchased an extent of Acs. 4-751/2 cents of land in Sy. No. 239 with sub-divisions 9 to 141 and 16 to 20 of Gollapalem village, and when the petitioner made attempts to interfere with her peaceful possession and enjoyment, she filed suit in O.S. No. 468 of 2007 on the file of the Principal Junior Civil Judge, Anakapalli, against the petitioner and obtained order of interim injunction in I.A. No. 2159 of 2007 restraining the petitioner and his men from alienating the schedule property, by way of sale, lease mortgage etc. in favour of third parties and also from creating any third party interest over the schedule land, and since the sale deeds sought to be presented by the petitioner for registration, are subject-matter of the said

civil suit, and there being an injunction granted by the civil Court in respect of the said lands, no document that may be presented by the petitioner for registration in respect of the said land, can be entertained, much less registered by respondent No. 1.

9. He contended that under Sections 34(3)(b) and 35 of the Registration Act, when a document is presented for registration, respondent No. 1 is entitled to make an enquiry as to the identity of the persons who appeared before him proclaiming that they executed the document, by examining them, and after satisfying himself on the said aspect, register the said document. u/s 71 of the Registration Act, the Registering Officer, is under an obligation to record reasons for refusing to register a document, and if any person is aggrieved by such refusal, he has a statutory remedy of appeal u/s 72 of the Registration Act, before the District Registrar. He, however, fairly admitted that respondent No. 1 has no power or jurisdiction to adjudicate as to whether the document which is presented for registration, confers any title on the party.

10. He contended that with a view to curb multi-sale registrations, the Joint Collector, Visakhapatnam, issued instructions in Re. No. 310/2003-F3, dated 08.11.2004, which were reiterated by the Revenue Divisional Officer, Visakhapatnam, in his proceedings in Re. No. 1984/2004/D, dated 02.02.2005, requiring production of VA3 Adangal reflecting the present status of the land issued by the authorities concerned in respect of lands, where Pattadar Passbooks are not issued. The revenue authorities are also lodging reports before the police against the registering officers who are responsible for multi-sale registrations in respect of the same lands. He contended that several sale transactions already took place in respect of the lands, which the petitioner is seeking to present documents for registration, and therefore, the petitioner cannot be said to be in possession of the lands in question.

11. He lastly contended that according to the own admission of the petitioner, he had purchased an extent of Acs. 57.54 cents, but he was given Pattadar Passbook only in respect of an extent of Acs. 30.00, and even though the Government of Andhra Pradesh, vide orders passed in Memo No. 20708/Regn(1)/2007, dated 04.05.2007, have accorded permission to the Commissioner and Inspector General of Registration and Stamps to exempt the executants/claimants from production of Pattadar Passbooks/title deeds at the time of registration, the fact remains, since the petitioner was already issued Pattadar Passbooks by the revenue authorities in respect of some lands, nothing prevented him from producing the same. He thus pleaded that the writ petition being devoid of any merit, be dismissed.

12. The petitioners in W.P.M.P. No. 28398 of 2007, by filing the said petition, have got themselves impleaded as party-respondent Nos. 5 to 8 in the writ petition. The learned Counsel appearing on their behalf while reiterating the stand taken by the said respondents in the affidavit filed in support of the implead petition as also the vacate stay petition, submitted that respondent No.

5 is President of Sri Shirdi Sai Layout Plot Owners Welfare Society, and plots were carved out in the lay out in Sy. Nos. 277/1 to 11 and part of Sy. No. 26/2, admeasuring in a total extent of Ac.7.62 cents situated at Gollapalem village, Sabbavaram, Visakhapatnam; that respondent No. 6 is the absolute owner of the land in Sy. Nos. 93/2 to 38; respondent No. 7 is the absolute owner and Pattadar of land in Sy. No. 26/2 in an extent of Acs. 3-00; and respondent No. 8 is the absolute owner of land in Sy. No. 93/5 in an extent of Acs. 2-10 cents. He submitted that since respondent Nos. 5 to 8 are owners of the above extents of land, no person, much less, the petitioner can be permitted to alienate the said lands by presenting documents for registration, for in the event, the documents to be presented by the petitioner or any other person, for registration, are received and registered by the registering authority, then their interest in the above lands, would be adversely affected, and they would be put to irreparable loss and injury.

13. He submitted that the lands purchased by respondent Nos. 5 to 8 were registered in the years 1948, 1994, 2003 and 2006 and since then they are in possession and enjoyment of the same. The individuals who purchased plots from respondent No. 5 have also constructed houses in the plots, and are doing petty businesses therein, having obtained loans by mortgaging the plots, which in fact, were mortgaged by them as early as in the years 1993 and 1994, and therefore, he submits that the petitioner cannot claim that he had purchased the land in the year 2004, and since respondent No. 5 had purchased the land, much prior to the petitioner, purchasing the lands from the alleged owners, he will not get any right or title over the property.

14. He submitted that the petitioner who claims had purchased the land in an extent of Acs. 57.00 in the above mentioned survey numbers from the original inamdars, had in fact, sold the said land to respondent No. 5 during the years 1932 to 1948. Despite alienation of the land in favour of respondent Nos. 5 to 8, the names of the original inamdars continued to reflect in the revenue records, and taking advantage of this, the original inamdars, obtained orders u/s 4 of the A.P. (Andhra Area) Inams Abolition Act, and on the strength of the said orders, have once again sold the land to the petitioner, which in fact, was already sold to them. He submitted that since the original inamdars having alienated the land in their favour, had no right whatsoever to alienate the said land once again in favour of the petitioner, and the alienation so made by the original owners in favour of the petitioner being invalid, the petitioner cannot expect to derive any title or right over the lands, and therefore, no registration in respect of the said land can be allowed to take place. He submitted that if the petitioner claims that he has any right or title or interest over the property, he has to approach the competent civil Court and prove his case, but certainly he cannot try to alienate the property which in fact is in possession of respondent Nos. 5 to 8 by executing sale deeds in favour of third parties. He thus submitted that the writ petition be dismissed.

15. The petitioner in W.P.M.P. No. 29438 of 2007 got impleaded as party-respondent No. 5 in the writ petition, and the learned Counsel representing him while reiterating the stand taken by respondent No. 9 in the affidavit filed in support of the implead petition as also the vacate stay petition, submitted that respondent No. 9 had purchased an extent of Ac. 4-721/2 in Sy. Nos. 239/9 to 20 from the original owners, namely Kona China Babu, Smt. Gandhi Rama Devi, Goddapalli Venkataswamy and his sons, Bandileti Pothuraju, Madeneni Nagayya and Gandhi Sathyanarayana on 11.07.2007, under six different registered sale deeds. On the very same day of registration, the vendors of respondent No. 9, had put him in possession, and since then, he is in peaceful possession and enjoyment of the same. He submitted that when some third parties tried to interfere with his peaceful possession and enjoyment of the land purchased by him, he filed suit in O.S. No. 468 of 2007 on the file of the Principal Junior Civil Judge, Anakapally, seeking permanent injunction. Along with the said suit, he also filed applications in I.A. Nos. 2158 and 2159 of 2007 for grant of temporary injunction, and the learned Principal Junior Civil Judge, Anakapally, vide orders dated 10.10.2007, had passed orders in the said I.As. restraining the third parties, including the petitioner and his men from interfering with his possession and enjoyment of the lands.

16. He submitted that the petitioner filed the writ petition when the registration authorities asked him to produce the link documents of the property purchased by him, and contended that if the relief as sought for by the petitioner in the writ petition is granted, the rights of respondent No. 9 in the land will be adversely affected as third party interests will be created therein. He further submitted that the receipt and registration of the sale deeds to be presented by the petitioner for registration by respondent No. 1, in pursuance of the interim orders dated 10.09.2007 passed by this Court in W.P.M.P. No. 24629 of 2007, shall only be if they are in order and in accordance with the provisions of the Registration Act and the Rules made thereunder. Hence, he prayed that the interim order be vacated, and the writ petition be dismissed.

17. Having heard the learned Counsel for the petitioner, the learned Government Pleader for Revenue for respondent Nos. 1 to 4, the learned Counsel for respondent Nos. 5 to 8 and the learned Counsel for the respondent No. 9, the following questions do arise for consideration in the present writ petition:

1. Whether mere registration of a document by the registering authority under the provisions of the Registration Act, 1908 confers title on the property purchased by the vendee from his vendor?
2. Whether the registering authority under the provisions of the Registration Act, 1908 is entitled to go into title disputes and refuse to receive and register the document presented for registration?
3. Whether respondent No. 1-registering authority, was justified in refusing to receive and register the documents presented by the petitioner for registration,

on the ground that he failed to produce VA3 Adangals and "No Objection" Certificate from the MRO in case Pattadar Passbooks, are not available, as, required by the Instructions issued by the Joint Collector, Visakhapatnam, in Re. No. 310/2000-F3, dated 08.11.2004, as reiterated by the Revenue Divisional Officer, Visakhapatnam in Re. No. 1984/2004, dated 02.02.2005?

4. Whether respondent No. 1-registering authority was justified in refusing to receive and register the document on the ground that there are objections taken by the unofficial respondents with respect to registration of the documents in question?

18. Before proceeding to answer the above questions, to wit, the disputed and undisputed facts may be noted, and they run thus - The fact that the petitioner had purchased an extent of Acs. 2-01 cents in Sy. No. 29; Acs. 5-40 cents in Sy. Nos. 239/9 to 20; Acs. 6-00 cents in Sy. No. 282/1 (old 93/4); Acs. 7-82 cents in Sy. Nos. 277/1 to 11 (old 26/3 & 4); Acs. 17-22 cents in Sy. Nos. 93/2 to 38 and Acs. 19-09 cents in Sy. Nos. 26/1 and 2, totaling Acs. 57-54 cents of Gollapalem village, Sabbavaram Mandal, Visakhapatnam, from his vendors, under six registered sale deeds dated 25.06.2003, is not disputed by the official respondent Nos. 1 to 4 as well as the unofficial respondent Nos. 5 to 9, as is evident from the counters filed by them, but it is their case that since the vendors of the petitioner had already sold the said lands to respondent Nos. 5 to 9, they could not have sold the said lands once again to the petitioner, and the petitioner cannot alienate the same to third parties, inasmuch as since his vendors had not passed on valid title.

In Re question No. 1:

19. Section 17 of the Registration Act deals with documents of which registration is compulsory, and inter alia states that the sale of immovable property of the value of one hundred rupees and upwards, has to be registered compulsorily. Therefore, every immovable property, whose value is one hundred and upwards, requires compulsory registration under the Registration Act. Whether mere registration of transfer of such immovable property by execution of a document by the transferor in favour of the transferee, confers title on the transferee. The validity or otherwise of transfers of immovable property, are subject to the provisions of the Transfer of Property Act, 1882. *Nemo dat quod non habet*, is the salutary principle enunciated in the Transfer of Property Act, 1882, which means that no person can pass or transfer a better title in a property than that he possesses therein. Such being the case, and having regard to the fact that the registration of a document by the registration authority under the provisions of the Registration Act, merely records the transaction having taken place between the transferor and the transferee in the jurisdiction of the said registering authority, I am of the considered opinion that such registration by itself will not confer any title or right in the property so transferred on the transferee unless the transferor is the rightful and lawful owner of the property and was competent to transfer the property and has put the transferee in possession of the property,

upon executing and registering the document. In that view of the matter, it has to be held that mere registration of a document by the registering authority under the provisions of the Registration Act, does not confer any title.

In Re question No. 2:

20. To consider this question, it is appropriate to make a reference to some of the provisions of the Registration Act, 1908 and the A.P. Rules made thereunder. The circumstances under which the Registering Authority can refuse registration of a document are spread over in various provisions of the Registration Act and the A.P. Rules made thereunder. It would be appropriate, if a reference is made to the said provisions. The Registering Authority can refuse registration of a document under the various provisions of the Registration Act - u/s 19 of the Registration Act, if a document is presented for registration in a language not commonly used in the district, then the Registrar can refuse the registration unless such document is accompanied by true translation of the same into a language commonly used in the district; u/s 20 of the Registration Act, the Registrar can refuse to register the document in exercise of his discretion if the document presented for registration contains alterations, erasures etc., without any attestation; u/s 21 of the Registration Act, unless the document contains description of the immovable property to identify the same; u/s 22A of the Registration Act, registration of document is opposed to public policy, document presented by a person who has no right to present; u/s 34 of the Registration Act, the Registering Officer is not satisfied with regard to identity of person who sought to execute the document and; u/s 35, if the person purported to have executed is dead, the person who seeks to execute the document is incapacitated and is not competent to execute the document, the prescribed fee is not paid.

21. Chapter XII of the Registration Act deals with the circumstances under which the registration can be denied. Rule 58 of A.P. Rules under the Registration Act, 1908 reads as under:

58. It forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.

22. On a plain reading of the provisions of the Registration Act and the A.P. Rules made thereunder, it would become clear that none of the provisions of the Registration Act authorize the Registering Officer to make a roving enquiry into the title and refuse the registration of a document on the objection raised by a person who is a third party to the document, on the ground that the party who executed the document and sought to register it, has no title to the property, however, he is bound to consider the objections raised on any of the grounds enumerated in Rule 58(a) to (e) of the A.P. Rules. Admittedly, the petitioner, by asking the Registering Authority not to register the document presented for registration on the ground that the property covered thereby was sold to them, in fact, was seeking to raise a title dispute, which under the provisions of the Registration Act and the A.P. Rules made thereunder, the Registering Authority, is not entitled to go into. In view of that, if any party intends to dispute the document presented or to be presented for registration and the contents thereof, then such person has to avail the common law remedy, but certainly such party can neither ask the Registering Authority nor the Registering Authority, does possess any right or power under the Registration Act, to determine disputes relating to title to the property, raised by the persons who are third parties to the document. The Registering Authority is required to discharge his duties within the powers conferred on him under the statute and not otherwise.

23. Section 71 of the Registration Act deals with reasons for refusal to register to be recorded, as per which, every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within the sub-district, shall make an entry in Book No. 2, and endorse the words "registration refused", while Section 72 of the Registration Act, deals with an appeal to the District Registrar from the orders of Sub-Registrar refusing registration of a document. There is no doubt that u/s 71 of the Registration Act, the registering authority is duty bound to record reasons for refusal to register, but the fact remains, in the instant case, the registering authority did not refuse to register the document, but registered the document.

24. From the above provisions of law, it becomes crystal clear that the power of enquiry of the Registering Officer when a document is presented for registration, is very limited and does not empower him to decide title dispute or refuse to register a document on the ground that proceedings with respect to a title dispute are pending or go into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document.

25. The official respondents do not dispute the fact that the registering authority cannot go into title disputes or pendency of such disputes will not confer any right on the registering authority to withhold or not to entertain the document for registration, and more so when Rule 58 of the Rules, in clear terms states that it

forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document. Though the Registrar is not entitled to go into title disputes, he however, before accepting a document for registration, under Rule 26 of the Rules, is entitled to ensure compliance of all the requirements prescribed under the Act, and also consider the objections raised stating that the parties appearing or about to appear before him are not the persons they profess to be; that the document is forged; that the person appearing as a representative, assign or agent, has no right to appear in that capacity; that the executing party is not really dead as alleged by the party applying for registration; or that the executing party is a minor or an idiot or a lunatic, and further direct any executant, claimant or identifying or other witness regarding whose identity he has to satisfy himself, as provided under Rules 58 and 63 of the Rules, and record his reasons for refusal to register, as required u/s 71 of the Registration Act. In that view of the matter, it has to be held that the registering authority under the Registration Act, is not entitled to go into title disputes.

In Re question No. 3:

26. The petitioner having executed sale deeds in respect of the aforesaid lands in favour of Sri. G. Goutham and Ors. had approached respondent No. 1 to ascertain the procedure of registration, and it is his case that he was informed that unless he produces VA3 Adangals and "No Objection" Certificate from the MRO in case Pattadar Passbooks are not available, the sale deeds will not be accepted for registration when presented. He further states that he requested respondent No. 1 to furnish the above information in writing, but respondent No. 1 refused to furnish the same. Therefore, he made an application on 11.08.2007 u/s 6 of the Right to Information Act, 2005, requesting to furnish the information. Acting on the said application, respondent No. 1 vide orders dated 13.08.2007 furnished the information, along with copies of the Instructions issued by the Revenue Divisional Officer, Visakhapatnam, in Re. No. 1984/2004, dated 02.02.2005, reiterating the minutes of the meeting of the Joint Collector, Visakhapatnam, held on 05.11.2004, communicated vide Re. No. 310/2000-F3, dated 08.11.2004. The official respondents though disputed the fact of the petitioner making any request to provide the information in writing, but admitted about the application dated 11.08.2007 made by the petitioner under the Right to Information Act. They, however, contended that the petitioner did not present the document for registration, and in view of the instructions issued by the Joint Collector, Visakhapatnam, in Re. No. 310/2000-F3, dated 08.11.2004, as reiterated by the Revenue Divisional Officer, Visakhapatnam, in Re. No. 1984/2004, dated 02.02.2005, unless the petitioner produces the VA3 Adangals and "No Objection" Certificate from the MRO in case Pattadar Passbooks are not available, the sale deeds to be presented by him for registration will not be accepted. This stand taken by the official respondents appears to be incorrect,

and in fact, goes against the Instructions issued by the Government in Memo No. 20708/Regn(1)/2007, dated 04.05.2007, whereunder, the Government, while referring to its earlier Memos dated 20.04.2006 and 23.04.2007, accorded permission to the Commissioner & Inspector General of Registration and Stamps to issue instructions to the Registering officials in the State to exempt the executants/claimants from production of Pattadar Passbooks/Title deeds at the time of registration for a further period of one year from 01.04.2007 to 31.03.2008. When this Memo of the Government, which exempts production of the documents mentioned therein at the time of registration, is in operation, and takes precedence over the instructions issued by the Joint Collector and the Revenue Divisional Officer, I fail to understand, how the official respondents contrary thereto, basing on the instructions issued by the Joint Collector and the Revenue Divisional Officer, can insist production of VA3 Adangals and "No Objection" Certificate from the Mandal Revenue Officer in case Pattadar Passbooks are not available, and more so when it is their admitted case that the orders issued by the Government in the aforesaid Memo, are not rescinded and that they will be in operation upto 31.03.2008. In that view of the matter, I hold that respondent No. 1 was not justified in requiring the petitioner to produce VA3 Adangals and "No Objection" Certificate from the Mandal Revenue Officer in case Pattadar Passbooks are not available, for registering the sale deeds.

In Re question No. 4:

27. Though the official respondents have disputed the presentation of the documents by the petitioner for registration, the fact remains the insistence of respondent No. 1 to produce VA3 Adangals and "No Objection" Certificate from the Mandal Revenue Officer in case Pattadar Passbooks are not available, for registering the sale deeds, is only at the instance of the unofficial respondents, who got impleaded in the writ petition. This stands proved from the stand taken by respondent No. 1 in his counter, when he states that he has received objections from the unofficial respondents and others as to the registering of any documents in respect of the land in question. Because of the complaints given/objections raised by the unofficial respondents and Ors. respondent No. 1 is not inclined to register the documents to be presented by the petitioner for registration. It is not the case of respondent No. 1 that the Government has issued notification u/s 22-A of the Registration Act not to effect registration of the land in respect of the said lands in question. When such being not their case, I fail to understand as to how respondent No. 1 can refuse to receive and register a document on the ground that several complaints were received/objections filed in respect of the lands in question, for not registering the land, and that to avoid multiple sales in respect of the land, they are not registering, and more so when the Registering Officer is not entitled to go into questions such as, as to who is the actual owner of the lands in question, who purchased the said lands first from them, whether the petitioner or the unofficial respondents, whether they derived valid title to the property from their vendors, and if so, whether they are entitled to alienate the same in favour of third parties, either

under the Registration Act or the Rules made thereunder. In that view of the matter, I hold that respondent No. 1-Sub Registrar, was not justified in refusing to receive and register the documents presented by the petitioner on the ground that there are objections taken by the unofficial respondents with respect to registering of the documents in question.

28. Insofar as respondent No. 9 is concerned, it is stated that he had purchased an extent of Acs. 4.72 1/2 cents of land in Sy. No. 239 with sub-divisions 9 to 141, 16 to 20 of Gollapalem village, and it is his specific case that when the petitioner and other persons tried to interfere with his land, he filed suit in O.S. No. 468 of 2007 on the file of the Principal Junior Civil Judge, Anakapalli, and obtained order of interim injunction in LA. No. 2159 of 2007, restraining the petitioner and his men from alienating the suit schedule property by way of sale, lease, mortgage etc. in favour of third parties or from creating any third party interest over the schedule land. Because of the order of injunction, respondent No. 1 is justified in not registering documents in respect of the land covered by the suit, but certainly, he cannot refuse to register the documents to be presented in respect of the lands that are not covered by the suit, and more so when Rule 58 of the Rules, clearly states it is not his duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document.

29. In the result, the writ petition is allowed. Respondent No. 1 is not justified in insisting the petitioner to produce VA3 Adangals and "No Objection" Certificate from the Mandal Revenue Officer in case Pattadar Passbooks are not available, for registering the documents. Respondent No. 1, shall receive the documents (sale deeds) to be presented by the petitioner for registration in respect of the lands in question, except in respect of Acs. 4.721/2 cents of land in Sy. No. 239 with sub-divisions 9 to 141, 16 to 20 of Gollapalem village, Sabbavaram Mandal, Visakhapatnam, for which there is an injunction order passed by the Principal Junior Civil Judge, Anakalappli, in O.S. No. 468 of 2007, in operation, process and register the same, if they are otherwise in order. No costs.