

(2025) 12 AP CK 1685

In the Andhra Pradesh High Court

Case No : Writ Petition No: 34463 Of 2012

Nalluri Venkateswarlu

APPELLANT

Vs

State Of Andhra Pradesh & Ors

RESPONDENT

Date of Decision : 11-12-2025

Acts Referred:

Registration Act, 1908 — Section 71

Andhra Pradesh Registration Rules, 1908 — Rule 161, 162, 163, 164

Citation : (2025) 12 AP CK 1685

Hon'ble Judges : Gannamaneni Ramakrishna Prasad, J

Bench : Single Bench

Advocate : Madhava Rao Nalluri, Farhan Azam Khan, Shaik Khaja Basha

Final Decision : Disposed Of

Judgement

Gannamaneni Ramakrishna Prasad, J

1. Heard Sri Madhava Rao Nalluri, learned Counsel for the Petitioner, Sri Sohail Shareef, learned Counsel appearing on behalf of Sri Sk. Khaja Basha, learned Standing Counsel for the Waqf Board and Sri T. Sanjeeva Rao, learned Assistant Government Pleader for Revenue.

2. This Writ Petition is filed seeking the following relief:

" It is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the circular F.No.18/PKM/WAKF/2004, dated 12-3-2008 issued by 4th respondent and pursuant action of 2nd respondent in not receiving and registering any deed of conveyance being presented by the petitioner for alienation of their respective properties covered by Survey Number 192 of Ongole Municipal Limits as illegal, irregular, irrational, without jurisdiction, violative of provisions of the Registration Act, 1908 and rules framed there under and offends article 14 of the Constitution of India and consequently to direct the 2nd respondent to receive and register any deed of conveyance connected to the aforesaid land to be presented by the

petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. It is the submission of the learned Counsel for the Petitioner that the Joint Registrar-1, Ongole (Respondent No.2), has orally declined to accept the Application of the Petitioner for Registration of the properties covered by Sy.No.192 of Ongole Municipality limits, citing the operation of Circular FNo.18/PKM/WAKF/2004, dated 12-03-2008, issued by the Collectorate.

4. It is further submitted that the said Circular dated 12.03.2008 was suspended by an Interim Order of this Court dated 28.08.2012 in W.P.No.25171 of 2012.

5. It transpires from the above facts that the Joint Registrar-1, Ongole (Respondent No.2), had orally declined to accept the Application of the Writ Petitioner for Registration of certain properties covered by Sy.No.192, Ongole Municipal limits. It also transpires from the above facts that the Circular dated 12.03.2008 issued by the Collectorate of Prakasam District stood suspended by an Order of this Court dated 28.08.2012 in W.P.No.25171 of 2012.

6. Be that as it may, it is settled law that circulars issued by officials, particularly at the District Collectorate level, are mere executive instructions which cannot override or prevail over the statute.

7. In the present case, the mode and method of Registration and the duties of the Registrar are covered under Section 71 of the Registration Act, 1908. As per Section 71 of the Registration Act, the Registrar is not entitled to orally reject an Application brought before him for Registration. Section 71 of the Registration Act, 1908, mandates that the Registrar shall consider the Application and pass a speaking order in accordance with law within a reasonable time.

8. This Court has time and again reiterated these Principles and Legal Position regarding the Statutory Obligation of the Registrar to pass a Speaking Order under Section 71 of the Registration Act, 1908 by following the procedure laid down under Rules 161 to 164 of the Rules framed under the Registration Act, 1908. This position of law has been clearly set out in the judgment of this Court in Salimeni Ravindra Vs. The State of Andhra Pradesh & Ors. (W.P.No.10392 of 2021 dated 15.06.2021).

9. This Court, having perused the judgment of this Court in Salimeni Ravindra's case (W.P.No.10392 of 2021 dated 15.06.2021), is of the view that the issues involved in the present Writ Petition are squarely covered by the said judgment. Accordingly, this Writ Petition stands disposed of with a direction to the Joint Registrar-1, Ongole (Respondent No.2), to receive the documents from the Writ Petitioner and process the same in accordance with the procedure as indicated and as dealt with in this judgment dated 15.06.2021 in W.P.No.10392 of 2021. No order as to costs.

10. The Writ Petitioner is directed to submit the copies of this Order along with the photocopy of the Judgment of this Court which is relied-on i.e., Salimeni

Ravindra's case (W.P.No.10392 of 2021 dated 15.06.2021) to the Joint Registrar-1, Ongole (Respondent No.2) for better appreciation and for following the procedure in accordance with law in future cases as well.

11. Needless to state that on presentation of the documents to the Joint Registrar-1, Ongole (Respondent No.2), the said Joint Registrar-1, Ongole shall pass a Speaking Order as per law within a period of four (04) weeks in the event he/she is not inclined to register the document.

12. Interlocutory Applications, if any, stand closed in terms of this order.