

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.42249 OF 2015

ORDER:

Heard learned senior counsel for the petitioners and learned Government Pleader for Revenue.

The petitioners intend to sell D form patta land under D Form Patta No.8/4/52, dated 14.02.1942. The document proposed however, is stated to have been received by the 4th respondent, but he has allegedly refused to process the same on the ground that the land is under prohibitory list.

Learned senior counsel appearing for the petitioners filed a copy of the D form patta. Clause 3 thereof states as follows:

“The assignee shall not alienate or encumber to any other person or to the foreigner other than Indian or British citizen, this grant shall not be valid.”

Learned senior counsel submits that though there is no apparent prohibition, the 4th respondent is not processing the document.

To the extent of processing the document, the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.16909 of 2015, dated 15-06-2015.

In view of the same, following the aforesaid judgment, this writ petition is also disposed of directing the 4th respondent to receive and process the document presented by the petitioners for registration in relation to the subject property. In the event the 4th respondent is of the opinion that the document warrants refusal of registration, he shall pass appropriate orders duly recording the reasons for such refusal in accordance with Section 71 of the Registration Act. If, however, the document is found to be complied with all legal requirements, he shall register the same and release it

in accordance with due procedure. No order as to costs.

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

VILAS V.AFZULPURKAR, J

29.12.2015
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