

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.38588 OF 2015

ORDER:

Heard.

The petitioner claims to have purchased the land admeasuring Ac.1.16 cents in Survey No.329-1 of Moda Village, Parigi Mandal, Anantapur District, which was originally belonged to Sri G.T. Shiva Prakash. After the death of Shiva Prakash, his brother, who is stated to have succeeded to the said property, has executed a sale deed for the subject land in favour of the petitioner on 21.07.2014 and presented the document for registration. The said document was given Pending Document No.41 of 2014 and has since been refused by the 4th respondent under endorsement, dated 16.09.2015, on two reasons, namely, (1) the executant has executed the document without any documentary evidence as legal heir of his deceased brother and (2) the executant has executed the document, but failed to produce the pattadar passbook and title deeds or any other connected records. The said order of refusal is questioned in this Writ Petition.

So far as the issue relating to production of pattadar passbook and title deeds is concerned, it is already covered by a Division Bench decision in **K. Anantha Rao v. State of Andhra Pradesh, rep., by its Chief Secretary**, wherein it was held that it is mandatory for a vendor to produce the pattadar passbook and title deeds, but the same cannot be insisted upon so far as the vendee is concerned.

In the present case, though the petitioner is the vendee, who is aggrieved by refusal of registration of the document that would not absolve the vendor of the petitioner of his liability to produce the pattadar passbook and title deeds and to produce the proof of his being the sole legal heir of the deceased. Hence, to that extent, the impugned order, in my view, is justified.

Alternatively, learned counsel for the petitioner states that since the document was executed as early as on 21.07.2014, the petitioner would have to find the executant and obtain appropriate documents, which would necessarily take

sometime. Hence, he requests at least a month's time to enable the petitioner to comply with the deficiencies pointed out in the impugned refusal endorsement.

Hence, while declining to interfere with the impugned order, the petitioner is granted time till the end of December, 2015, within which the petitioner shall produce necessary documents and represent the Pending Document No.41 of 2014 for registration. The registering authority shall, thereafter, examine the said document and if he is satisfied that necessary documents are produced by the executant, register the same or pass appropriate orders in accordance with law.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

27.11.2015

Note:- Issue C.C. three days.

(B/o)

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