

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
WRIT PETITION Nos. 4101, 4202, 4231, 4253 & 4282 of
2016

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COMMON ORDER:

Since the issue involved in all the writ petitions is one and same, they are being disposed of by this common order.

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

The petitioners question the action of the 2nd respondent in not receiving the sale deeds for registration.

The case of the petitioners is that they approached the 2nd respondent to register their documents, but the 2nd respondent refused to receive the same by raising an untenable ground that the properties, which are the subject matter of the documents, cannot be registered and without rendering proper explanation for such refusal, though they explained to him of the factual position of their vendors having right and title over the properties.

The issue involved in these Writ Petitions is squarely covered by the decision of a Division Bench of this Court in W.A.No.1052 of 2012 and batch, dated 09.07.2013 and the operative portion reads as follows:

"A perusal of the guidelines of the scheme, which are relied upon by the appellants' counsel, does not contain any clause prohibiting alienation of the land provided under the scheme. It is not even the case of respondent Nos.4 and 5 that there is any prohibition imposed subsequent to the formulation of the scheme.

If the object of the scheme is to provide agricultural land to the beneficiaries with an intention to provide permanent income generating asset, the authorities ought to have taken steps at the time of formulating the scheme itself by mentioning some clauses of prohibition of alienation of the lands provided under the scheme. Admittedly, there is no such condition of prohibition imposed even by this date. In the absence of such prohibition, the beneficiaries are entitled to sell the land. Hence, we are unable to accept the said contention of the learned counsel for respondent Nos.4 and 5-appellants herein. In the above circumstances, we are of the considered view that the learned single Judge, while following the orders of the Division Bench of this Court, has rightly directed respondent No.3-Sub- Registrar to register the documents presented by the petitioners without treating that Section 22-A of the Act applies to the said land. We see no reason to interfere with the impugned orders.

Accordingly, all the writ appeals are dismissed.”

The said Division Bench in turn had followed orders of another Division Bench in W.A.No.185 of 2012 and batch, dated 15.02.2012. Based on the decisions of the Division Bench, several other Writ Petitions, being W.P.Nos.21322 and 21316 of 2012, dated 13.07.2012, with identical grievance were also disposed of.

In view of the same, merely on the reasons assigned by the Tahsildar, the registering authorities cannot stop the registration. Therefore, there shall be similar direction in these Writ Petitions also.

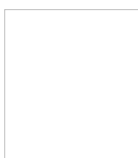
Accordingly, the 2nd respondent is directed to receive and process the documents presented by the petitioners in compliance with the Indian Stamp Act and the Registration Act and register and release the same in favour of the claimants, if they are found otherwise.

With the above direction, all the Writ Petitions are allowed.
There shall be no order as to costs.

Miscellaneous petitions, if any, pending in all the Writ
Petitions shall stand closed.

VILAS V. AFZULPURKAR, J

10th February, 2016
cbs



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