

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.36984 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner is a purchaser of the land from one M.Narasimha Murthy, who is stated to be the owner of the land admeasuring Ac.3-20 cents in Sy.No.10/1 situated at Chemmumiahpet Village, Kadapa Rural Mandal, Kadapa District. The petitioner states that after due enquiry and after satisfying that the said land is an ancestral land of the said Narasimha Murthy, he agreed to purchase the same for valuable consideration and the said Narasimha Murthy also executed Sale Deed, dated 23-09-2015 (Ex.P-6) in favour of the petitioner. The said Sale Deed was stated to have been presented for registration before the 2nd respondent on 24-09-2015 and though the registration formalities are completed, it is kept as pending Document No.140/15. Therefore, the petitioner sought reasons for keeping the document pending. The impugned endorsement is issued by the 2nd respondent informing the petitioner that on account of an objection raised by a third party, the document is kept pending and after settlement of the dispute, the document would be registered. The said endorsement is questioned in this writ petition primarily on the ground that the third party cannot object registration and in any case, the 2nd respondent cannot keep the document pending.

Learned Government Pleader has received instructions and placed before this Court the objections of the third party which were entertained by the 2nd respondent and the said objection itself states that the said third party stated to have negotiated with the vendor of the petitioner for purchase of the said land and the deal is 'almost finalized'. It is also stated that there is an 'oral agreement' to the effect. Basing on such objection, the 2nd respondent has issued the impugned endorsement.

Firstly, no third party can object the sale transaction and its registration and unless there is a restraint order from a competent court, the registration authority cannot withhold registration, if it is otherwise in accordance with the Stamp Act and Registration Act. The impugned endorsement, therefore, cannot be sustained in view of the legal position and in particular, the third parties objection itself is based upon a contract, which is almost finalized and it is stated to be an oral agreement. Even on facts, such an objection cannot be entertained and it cannot be a basis for the 2nd respondent to decline registration of the document. Hence, the impugned endorsement is set aside and the 2nd respondent shall examine pending Document No.140/15, referred to above and if it is in accordance with the Stamp Act and the Registration Act, register and release the same to the petitioner.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 18-01-2016

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.36984 of 2015

18-01-2016

Prv