

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42776 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the inaction of the 3rd respondent in accepting the appeal filed by the 2nd petitioner against the Order of Refusal vide Order No.4/2016 dated 06.04.2016, as illegal and arbitrary.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Stamps & Registration for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

The facts in issue are that the 1st petitioner is the absolute owner and possessor of the land admeasuring Ac.0.51 cents in survey No.367/2C and also land admeasuring Ac.1.68 cents in survey No.365/2B situated at Muluguru Village, Ananthapur Rural Mandal, Anantapur District. With an intention to sell away the said lands to the 2nd petitioner, the 1st petitioner approached the 4th respondent for the purpose of executing a sale deed. However, the 4th respondent refused to register the same by insisting the petitioner to get 'No-Objection Certificate'. Aggrieved thereby, the petitioner filed W.P.No.38298 of 2015, which was disposed of by this Court on 25.11.2015 directing the respondents to receive and process the documents presented by the petitioner without insisting for NOC. Pursuant thereto, the 4th respondent received the documents but refused to register the same on the ground that the said land is an Assigned Land vide Refusal Order dated 06.04.2016. Challenging the same, 2nd petitioner preferred an appeal before the 3rd respondent. The inaction on the part of the

3rd respondent in not taking up the appeal on file on the ground of delay is the subject matter of challenge in this writ petition.

Learned counsel for the petitioners submits that since there is no provision for filing any interlocutory application along with appeal seeking condonation of delay, present writ petition is filed requesting this Court to give a direction to the 3rd respondent to dispose of the appeal on merits without considering the delay in filing the appeal.

Learned Government Pleader submits that he has no objection for the same.

As seen from the record, the refusal order came to be passed on 06.04.2016 and the appeal was filed on 27.10.2016. As per the provisions of the Registration Act, the appeal ought to have been filed within a period of thirty days. It is also to be noted that there is no provision for condoning of delay in filing the appeal.

Having regard to the facts in issue and the rival submissions made, the Writ Petition is disposed of directing the 3rd respondent- The District Registrar, Hindupur, to take up appeal filed by the 2nd petitioner on 27.10.2016, if it is in order, and dispose of the same on its own merits uninfluenced by the delay caused in filing the appeal, in accordance with law, as early as possible.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

Date: 08.12.2016
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