

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27632 OF 2016

ORDER:

The case of the petitioner is that he is the owner and possessor of the land admeasuring Ac.2.27 cents in Survey No.250/2; Ac.0.05 cents in Survey No.250/3; Ac.0.16 cents in Survey No.250/4; Ac.0.73 cents in Survey No.248/3 and Ac.1.66 cents in Survey No.352/2 of Kanumukkala Village, Bukkapatnam Mandal, Ananthapur District. Originally these lands were purchased in the name of his elder brother late Sri S.Chenna Reddy from Guluru Mahasamsthan Mutt, Bagepally Taluk, Kolar District, Karnataka State under a registered sale deed bearing document No.46/1985 and that later there was a family partition amongst the family members of the petitioner which was settled before Lok Adalat, Ananthapur and an award was passed in LSA No.1 of 1998 on 19.12.1998. It is also stated that after the family partition the petitioner is in possession and enjoyment of the above said lands and Pattadar Pass Books and Title Deeds were also issued to the petitioner by Revenue Authorities. While so, when the petitioner approached the 3rd respondent for registration of the sale deed, the 3rd respondent informed the petitioner that these lands are entered in the Prohibitory list and that the said lands belong to Endowment Department. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that the 3rd respondent is bound to register the documents filed by the petitioner and that by virtue of G.O.Ms.No.834, dated 19.06.2007, the Mutt is exempted from Section 154 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987, as such, the 3rd respondent cannot refuse to receive the documents presented by the petitioner, since he purchased the said lands by virtue of registered sale deeds. Learned counsel for the petitioner also placed reliance on the letter in Rc.No.A3/193/2013, Adm. dated 31.12.2015, addressed by the Assistant Commissioner, Endowments Department, Ananthapuram to the Joint Collector, Ananthapuram.

Heard learned Assistant Government Pleader for Revenue.

As per Section 71 of the Registration Act, the 3rd respondent is bound to receive the document and register, if the same is in order as per the Stamps and Registration Act and Rules made thereunder.

In view of the above, the 3rd respondent is directed to receive the document presented by the petitioner if the same is in order as per provisions of the Indian Stamps and Registration Act and the Rules made there under. If he wants to refuse the registration, he shall record reasons and

communicate the same to the parties, otherwise register the same. It is needless to mention that petitioner can produce necessary documents before the 3rd respondent and the 3rd respondent shall consider the said documents before passing any orders under Section 71(2) of the Registration Act. No order as to costs.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

19.09.2016
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A.RAJASHEKER REDDY, J

