

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34936 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd respondent in refusing to register and release the document presented for registration through registered post dated 06.10.2016 in respect of the land admeasuring Ac.4.75 cents in Sy.No.371/1 situated at Madhurawada Village, Visakhapatnam Mandal and District as being illegal, arbitrary and unconstitutional.”

3. As seen from the material on record would show that the petitioner along with another filed another writ petition vide W.P.No.30271 of 2016, which was disposed of on 09.09.2016, directing the Registration Department to entertain the documents presented by the petitioners or their vendees for registration, in terms of G.O.Ms.No.279, dated 04.07.2016 and register the same, if the same are in order as per the provisions of Indian Stamps and

Registration Act and the Rules made thereunder. The Court further directed the Sub-Registrar to verify the genuineness of the pattas granted to the petitioners therein. Pursuant thereto, the petitioner herein is said to have sent the document by way of registered post on 06.10.2016. Thereafter, when the petitioner approached the 2nd respondent to know the status of the document, the same is alleged to have been returned stating that since the land is an assigned land, the petitioner cannot gift the same.

4. Learned counsel for the petitioner submits that except the oral statement of the Sub-Registrar, no order has been passed till date.

5. Learned Government Pleader for Revenue submits that there is any amount of doubt as to whether the document was sent and whether it was received and placed before the Sub-Registrar.

6. It is to be noted that the affidavit is silent as to when the petitioner is alleged to have approached the Sub-Registrar to enquire about the same.

7. Having regard to the above, if the document is still pending for registration before the 2nd respondent, he shall pass appropriate order giving reasons as to why the said document cannot be registered in terms of the order passed by this Court in W.P.No.30271 of 2016.

8. Accordingly, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:19.10.2016
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