

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.32337 OF 2017

Dated:22.09.2017

Between:

Bathula Joga Rao, S/o. Mangaiah Dora,
Aged about 54 years, Occ: Cultivation,
R/o. Laxmivarapupeta, Eluru,
West Godavari District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Stamps and Registration,
Revenue Department, Velagapudi,
Amaravathi, Secretariat, Guntur
District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.32337 OF 2017

ORDER:

Heard.

2. Petitioner alleges that he along with his brother and brother-in-law purchased the land to an extent of Acs.4.00 in R.S.No.104/3 of Nyapalli Village, Pedavegi Mandal, West Godavari District, through sale deed dated 30.08.2006 and out of Acs.4.00 of land, they gifted the land to an extent of Ac.1.33 cents in favour of the 3rd respondent, who is the wife of the petitioner. Alleging that the registering authority is not receiving the document presented by the petitioner for registration, this Writ Petition is filed.

3. The material on record would disclose that though a document is drafted for presenting it before the registering authority, no proof is filed that the document is presented for registration and the registering authority refused to receive the same. On a question posed by the Court, learned counsel for the petitioner submits that no notification is issued under Section 22-A of the Registration Act, prohibiting registration of the property. If that being so, there can be no objection for the registering authority to receive the document presented by the petitioner. However, it is also seen that so far petitioner has not paid stamp duty and registration charges to show his *bona fides*. Thus, it cannot be said that the action of the respondents in not receiving and processing the document presented by the petitioner

is illegal. Therefore, no relief as sought for by the petitioner can be granted to him.

4. The Writ Petition is accordingly disposed of granting liberty to the petitioner to present the document after paying stamp duty and registration charges. As and when such document is sought to be presented, the registering authority shall receive and process the same in accordance with the Registration Act and the Rules framed thereunder. If the registering authority has any objection in accepting the document for registration, it is open to it to refuse registration by assigning due reasons in support of its decision. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:22.09.2017

KH

P. NAVEEN RAO, J

