

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7613 of 2017

ORDER:

The case of the petitioners is that the 1st petitioner is the absolute owner of the land in Survey No.43, admeasuring Ac.3.26 cents and Ac.1.74 cents in Survey No.44 of Lingayapalem Village of Tullur Mandal in Guntur District and the 2nd petitioner who is the mother of 1st petitioner is the absolute owner of the land admeasuring Ac.1.00 in Survey No.44 of the same village. They are also having pattadar pass books and entries in revenue records. While so, when the petitioners want to gift the aforesaid land in favour of 1st petitioner's daughters, they approached the 4th respondent, but, the 4th respondent refused to register the gift deeds submitted by the petitioners. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioners submits that no notification is issued under Section 22-A(1) of the Registration Act prohibiting registration of the subject lands, but still the 4th respondent instead of entertaining the gift deeds executed by the 1st petitioner in favour of his daughters, addressed a letter to the District Registrar, Guntur and kept the matter pending. He also produced proceedings No.65/2016/LGP, dated 19.12.2016 showing the list of properties acquired by

the CRDA under land pooling scheme stating that the said list does not contain the subject land.

Heard learned Government Pleader for Revenue.

A perusal of the proceedings No.65/2016/LGP, dated 19.12.2016 produced by the learned counsel for the petitioner showing the list of properties acquired by the CRDA under land pooling scheme, does not contain the subject land. Even letter dated 10.01.2017, addressed by the 4th respondent to the District Registrar also indicates the subject land is not in the list of properties given to CRDA under Land Pooling Scheme. It is not known why the 4th respondent addressed a letter to the District Registrar seeking clarification.

As per Section 71 of the Registration Act, the 4th respondent is bound to receive the documents and register, if the same is in order as per Stamps and Registration Act and Rules made thereunder. If he wants to refuse the registration, he has to record the reasons as envisaged under Section 71 of the Registration Act.

In view of the above, the 4th respondent is directed to receive and register the gift deed produced by the petitioner in respect of the subject land, if the same is in order as per the provisions of Indian Stamps and Registration Act and the Rules made thereunder and the same is not included in the list of prohibited properties for registration as per Section

22-A of the Registration Act. If he wants to refuse registration, he shall record reasons and communicate the same to the parties.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

13.03.2017
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A.RAJASHEKER REDDY, J

