

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.35460 OF 2017

Date: 25.10.2017

Between:

S.Jamal Hassan, S/o S.K.Hassan Pasha,
Aged about 42 years, R/o. H.no.8/3/309,
Sayeed Nilayam Apartments, Yousufguda
Basthi, Hyderabad.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Principal Secretary (Registration & Stamps)
Secretariat, Velagapudi, Amaravathi,
Guntur District and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the absolute owner and possessor of house plot bearing no.40admeasuring Ac.0.05 cents in Sy.No.320/1A of Kallur village and mandal, Kurnool district, having succeeded the same from his father. This writ petition is filed alleging that when petitioner sought to present the deed of conveyance, 2nd respondent refusing to allow the registration of the subject property and said action is arbitrary and illegal.

2. However, when specifically asked, learned counsel for petitioner only submits that there is no proof of presentation of document and that petitioner has not paid stamp duty and registration fee. On instructions, learned counsel for petitioner submits that petitioner is willing to pay the stamp duty and registration fee and present the document.

3. Since there is no proof of presentation of document after payment of stamp duty and registration fee, it cannot be said that registering authority erred in not accepting the document, warranting issuance of direction as sought for by petitioner. Thus, leaving it open to the petitioner to present the document after payment of stamp duty and registration fee, writ petition is disposed of. It is needless to observe that if document is presented for registration after complying the registration formalities, registering authority shall receive the document and process the same in accordance with the Indian Registration Act, 1908 and the Rules made there under. If registering authority has any objection for registering the document, it is open to the registering authority

to assign due reasons in support of the decision to refuse the registration and communicate the same to the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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