

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35820 OF 2017

Date: 27.10.2017

Between:

P.Jagadeesan Ganapathi, s/o Ganapathi Chettiyar,
Aged about 80 years, Occu: Properties, r/o. D.No.2/88,
3rd Main Road, Near SSD Oil Mill, Ayyappan Thangal,
Poonamalli Post, Chennai, Tamilnadu State and others.

.... Petitioners

And

The State of Andhra Pradesh, rep., by Principal Secretary
to Government, Revenue (Stamps & Registration) Department,
Secretariat, Velagapudi, Amaravathi, Guntur District and
others.

.... Respondents



The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.35820 OF 2017****ORDER:**

Heard learned counsel for petitioners and learned Government Pleader for Revenue (AP) for respondents.

2. Petitioners claim to be the owners and in possession of house site property of 353.66 square yards in Sy.No.123, bearing plot no.9 of Pernamitta Revenue Village, Santhanuthalapadu Mandal, Prakasam district. Petitioners intend to dispose of the said property and claimed to have executed the sale deed dated 12.01.2017. Petitioners allege that when the sale deed was sought to be presented, the Sub-Registrar refused to receive the document. Hence, this writ petition.

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 petitioners submits that no notification is issued under Section 22-A of the Registration Act, prohibiting registration of the properties. If that being so, there can be no objection for the registering authority to receive the document presented by the petitioners. However, it is also seen that so far petitioners have not paid stamp duty and registration charges to show *bona fides*. Thus, it cannot be said that the action of the respondents in not receiving and processing the document presented by the

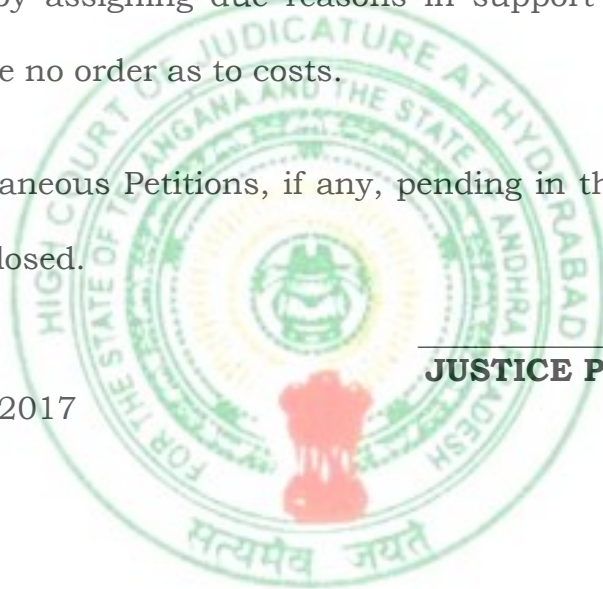
petitioners is illegal. Therefore, no relief as sought for by the petitioners can be granted to them.

4. The Writ Petition is accordingly disposed of, granting liberty to the petitioners 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 there under. If the registering authority has any objection for 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: 27.10.2017
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JUSTICE P.NAVEEN RAO



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