

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.366 OF 2018

ORDER:

The petitioner states that an extent of Acs.3.00 cents in Survey No.437/1 and Acs.2.00 cents in Survey No.437 situated at Narsingapur Shivar was originally allotted to one M.Narasimha under Ex-serviceman quota by proceedings dated 21.04.1989 and 07.05.1997. He died and his wife succeeded to the said property. The succession to the property was recognised by proceedings dated 16.06.2005. She wanted to sell the land for her family necessities and the second petitioner intended to purchase the land. The fifth respondent also permitted the sale of the land. The second petitioner purchased the land for valuable consideration by a registered sale deed dated 12.06.2006. Her name was also entered in the revenue records by proceedings dated 17.11.2006. She was issued Pattadar Passbooks and title deeds. The said land was given Survey Nos.437/25 and 437/26. When the second petitioner wanted to transfer the land in Survey No.437/25 in favour of the first petitioner, the third respondent issued proceedings dated 23.12.2015 directing the Sub-Registrar to register the documents, if they are otherwise in order. Thereafter, the document was registered on 23.12.2015. The name of the first petitioner was entered in the revenue records by proceedings dated 02.04.2016. Thus, the petitioners are in possession of the same. The land was divided into plots and some plots were sold. Now, when the petitioners entered into an agreement of sale, their prospective purchasers have approached the fourth respondent. The fourth respondent refused to register the same on the ground

that the land belongs to an Ex-serviceman. Challenging the action of the fourth respondent, the present Writ Petition is filed.

Learned counsel for the petitioners submits that the land is not included in the prohibited list of properties under Section 22-A of the Registration Act, 1908 ("the Act" for brevity) and the fourth respondent cannot refuse to register the same.

It is needless to observe that when a document is presented for registration to the registering authority in accordance with the provisions of the Act, the authority cannot refuse to register the same.

In the circumstances, the Writ Petition is disposed of directing the fourth respondent to receive the document presented by the petitioners for the purpose of registration and process the same for registration in accordance with provisions of the Act, if it fulfils the requirements under the Act. If the subject property is included in the prohibited list of properties under Section 22-A of the Act or if there is any other objection, it is open to the fourth respondent to make an endorsement as per Section 71 of the Act. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

24th January 2018
RRB