

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31944 of 2016

ORDER:

The petitioner states that he purchased the land to an extent of Ac.1.05 cents in Survey No.19, situated at Ramanaiahpetta Village, Kakinada Rural Mandal, East Godavari District, on 14.03.2008. Since the date of purchase, he has been in possession and enjoyment of the same and he was delivered possession under a document, dated 14.03.2008. When the vendor did not get the document registered, he filed a civil suit for Specific Performance of Agreement of Sale and said the suit was referred to Lok Adalat at the instance of both parties and it was assigned PLC No.1976/2016 and registered as Lok Adalat Case No.645 of 2016. An Award was passed on 02.07.2016 admitting the consideration. Pursuant to the same, when the petitioner wanted to present the Sale Deed, it is stated that the said document is not accepted by respondents 3 and 4. Challenging the same, the present Writ Petition is filed.

2. The 3rd respondent filed counter-affidavit stating that the petitioner merely submitted a representation on 18.07.2016 for ascertaining the stamp duty and registration and accordingly, he was informed of the same on 23.08.2016. Since, the petitioner has not filed any document for registration so far, the question of refusal by the respondents does not arise.

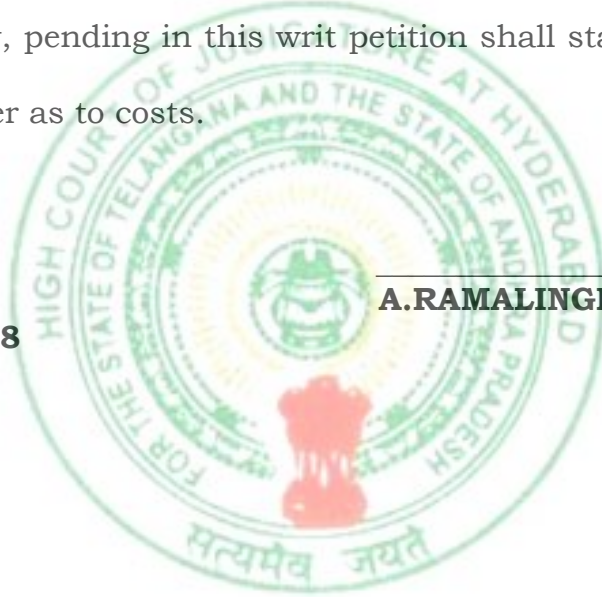
3. This Court carefully perused the affidavit filed in support of the petition and the affidavit is silent with regard to the date of execution of Sale Deed and presentation of the same before the 4th respondent.

4. In view of the same, no relief, as sought for by the petitioner in the present writ petition, can be granted. But, it is open to the petitioner to submit a document for registration before the 4th respondent and as and when such a document is presented, it is for the 4th respondent to receive the same and process it for registration, in accordance with the provisions of the Registration Act, 1908 (for short, 'the Act'). If the 4th respondent, for any reason, is not inclined to register the document, he has to assign the reason by making an endorsement on the said document under Section 71 of the Act.

5. The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

MARCH 7, 2018
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A.RAMALINGESWARA RAO, J



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Date: 07.03.2018

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