

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No. 2851 of 2018

Order:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

The petitioners state that originally the land of an extent of Ac.1-49 cents, situated in Survey No.64/2 of Arimuthanapalli revenue village, Shantipuram Mandal, Chittoor District, belonged to one Bojjanna and others. The petitioners grand father along with his two brothers purchased the said property under a registered sale deed dated 31.03.1961. After the death of petitioners' grand father, their father and his brother were in possession and enjoyment of the same. Thereafter, in the family partition took place in the year 2007, their father got the above said property towards his share through a registered partition deed dated 22.01.2007 and since then he was in possession and enjoyment of the same. Thereafter, the petitioners succeeded to the property after subdividing the survey number as 64/2A to an extent of Ac.0-74 cents and Sy.No.64/2B to an extent of Ac.0-74 cents. The revenue authorities issued pattadar passbooks and title deeds in their favour and mutated their names in the revenue records. When the fifth respondent refused to receive and register the partition deed presented by the petitioners in respect of the said lands, the present Writ Petition is filed.

It is needless to observe that when a properly drafted document is presented for registration complying with all formalities, the fifth respondent has no alternative except to receive the said document and he cannot refuse to receive the document.

In the circumstances, the writ petition is disposed of directing the fifth respondent to receive the document, if any, presented by the petitioners and take action in accordance with the provisions of the Registration Act. If the fifth respondent cannot register the said document for any reason, he has to make an endorsement to that effect and pass an order in accordance with Section 71 of the Registration Act.

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

Date: 31.01.2018
Nsr

A. RAMALINGESWARA RAO, J

